S. HRG. 101-194 PT. 3B

REPORT OF THE SENATE IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE ALCEE L. HASTINGS

HEARINGS

SENATE IMPEACHMENT TRIAL COMMITTEE

UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

THE ARTICLES OF IMPEACHMENT AGAINST JUDGE ALCEE L. HASTINGS, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, FOR HIGH CRIMES AND MISDEMEANORS

EXHIBITS ADMITTED INTO EVIDENCE

Part 3B of 3 Parts

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2.....	Testimony of William Dredge before Investigating Committee, May 22, 1985.	7/11/89	1994
3.....	Testimony of William Dredge before Investigating Committee, May 23, 1985.	7/11/89	2149
4.....	Transcript of Pretrial deposition of William Dredge, June 21, 1989.	7/11/89	2173
5.....	Statement of facts, *U.S.* v. *Dredge*.....	7/11/89	2332
6.....	Arrest Record of William Dredge, FBI record No. 3720712, February 3, 1982.	7/11/89	2336
7.....	Curriculum Vitae of Neal Sonnett.....	7/12/89	2344
8.....	Teletype from Special Agent Murphy to Director, August 24, 1981.	7/13/89	2351
9.....	Teletype from Special Agent Murphy to Director, August 28, 1981.	7/13/89	2352
10.....	Teletype from Special Agent Murphy to Director, September 4, 1981.	7/13/89	2360
11.....	Memorandum from John Owens to file, July 28, 1981	7/13/89	2372
13.....	Teletype from Special Agent Murphy to Director, September 2, 1981.	7/26/89	2377
14.....	Teletype from Special Agent Murphy to Director, August 28, 1981.	7/26/89	2381
15.....	Teletype from Special Agent Murphy to Director, August 26, 1981.	7/13/89	2389
17.....	Teletype from Special Agent Murphy to Director, July 23, 1981.	7/13/89	2392
19.....	Teletype from Special Agent Murphy to Director, July 30, 1981.	7/13/89	2401
22.....	Teletype from Special Agent Murphy to Director, October 8, 1981.	7/13/89	2403

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23.....	Teletype from Special Agent Bird to Director, September 23, 1981.	7/13/89	2409
24.....	Teletype from Director to Miami Office, October 5, 1981.	7/13/89	2413
27 A	Selected portions of office telephone logs of William Borders, March 17–March 23, 1981.	8/30/89	2415
28 A	Selected portions of office telephone logs of William Borders, March 23–March 31, 1981.	8/30/89	2417
29 A	Selected portions of office telephone logs of William Borders, April 7–April 14, 1981.	8/30/89	2419
30 A	Selected portions of office telephone logs of William Borders, April 14–April 22, 1981.	8/30/89	2425
31 A	Selected portions of office telephone logs of William Borders, April 22–May 1, 1981.	8/30/89	2428
32 A	Selected portions of office telephone logs of William Borders, May 1–May 7, 1981.	8/30/89	2431
33 A	Selected portions of office telephone logs of William Borders, May 7–May 18, 1981.	8/30/89	2437
34 A	Selected portions of office telephone logs of William Borders, May 18–May 26, 1981.	8/30/89	2445
35 A	Selected portions of office telephone logs of William Borders, May 26–June 2, 1981.	8/30/89	2454
36.....	Full Opinion, *U.S.* v. *Martino*	8/1/89	2459
38.....	Handwritten summary by Jeffery Miller of supplemental motions filed by parties, *Romano.*	7/17/89	2486
39.....	Handwritten notes by Jeffery Miller, July 8, 1981	7/17/89	2490
41.....	Grand Jury Subpoena Duces Tecum, October 13, 1981....	7/19/89	2495
42.....	FBI FD–302: Interview of Judge Hastings by Special Agents Simmons and Harrigan, October 9, 1981.	7/19/89	2497
43.....	Redacted copy of Respondent's Exhibit No. 42	7/19/89	2500
46.....	L'Enfant Plaza Hotel, Room Service Slip No. 0071946, for Judge Hastings October 9, 1981.	7/19/89	2501
47.....	L'Enfant Plaza Hotel, Room Service Slip No. 0071944, for Judge Hastings, October 9, 1981.	7/19/89	2502
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51.....	Teletype from Special Agent Santini to Director, March 3, 1986.	7/24/89	2535
53.....	Cooperation agreement of Kevin Gordon, November 25, 1985.	7/21/89	2541
55.....	FBI FD–302: Interview of Peter Ferguson by Special Agents Nottoli and Lacina, February 28, 1986.	7/24/89	2545
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57.....	Draft article, "The Southern District of Florida" by Chief Judge James Lawrence King.	7/24/89	2555
58.....	Comparison of 17 U.S. District Courts with the Southern District of Florida as to Defendants Tried by Jury.	7/24/89	2574
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62.....	Photo of Mayor Clark speaking, *id*	7/25/89	2576
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65.....	Photo of Judge Hastings beginning keynote speech, *id*...	7/25/89	2578
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67.....	Photo of Judge Hastings speaking, *id*	7/25/89	2579
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71.....	Photo of crowd applauding, *id*	7/25/89	2581
72.....	Photo of Mayor Clark and companions in first row of audience, *id.*	7/25/89	2581
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74.....	Agenda of February 26–28, 1981 Meeting of the National Bar Association Board of Governors' Meeting in Miami Beach, FL.	8/1/89	2585
75.....	Agenda of 10th Annual Mid-Winter Meeting of the Judicial Council of the National Bar Association, February 26–28, 1981, Miami Beach, FL.	8/1/89	2587
79.....	Program "Black Lawyers at the Crossroads: Advocacy for Social Justice vs. Economic Security," for 56th Annual Convention of the National Bar Association, July 26–August 1, 1981, Detroit, MI.	8/1/89	2597
85.....	Letter from Barbara Whiting to sponsors of the Dinner Cruise honoring William Borders, September 21, 1981.	8/1/89	2646
86.....	Letter from Judge Hastings to Barbara Whiting enclosing check, August 27, 1981.	8/1/89	2649
88.....	Court Reporters' desk calender for September 10–11, 1981.	8/1/89	2650
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94.....	Itinerary for Judge Hastings with attached correspondence, September 11–14, 1981.	7/27/89	2656
95.....	Correspondence between Judge Hastings and C.W. Grant.	7/27/89	2666
96.....	List of Fall 1981 Speakers for Albany State College "Back to the Basics" Program.	7/27/89	2670
97.....	Two itineraries for Judge Hastings, October 7–12, 1981, and October 14–22, 1981.	7/27/89	2672
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108.....	Handwritten letter to Judge Hastings from Maude Pride, October 16, 1980.	8/2/89	2839
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118.....	Pre-sentencing Report and Recommendations for Frank Romano, and Judge Hastings' "Report on Sentenced Offender" for Frank Romano, July 8, 1981.	8/2/89	2868
119.....	Judge Hastings' "Report on Sentenced Offender" for Thomas Romano, July 8, 1981.	8/2/89	2893
128.....	Sonesta Beach Hotel bill and check-out record for Judge Hastings, October, 3–4, 1981.	8/1/89	2895
130.....	Detroit Plaza Hotel bill and check-out record for Judge Hastings, July 26–30, 1981.	8/1/89	2897
131.....	Judge Hastings personal check for Gala Celebration for National Bar Association President, August 27, 1981.	8/1/89	2899
132.....	Resume of Jesse J. McCrary and attachment	7/26/89	2900
135 A ...	Itinerary for Judge Hastings, May 5–7, 1981	8/1/89	2906

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136.....	Cover page of Judge Hastings' personal diary for 1981 ...	7/27/89	2907
137.....	Cover page of Judge Hastings' courtroom diary for 1981.	7/27/89	2908
138.....	Cover page of Judge Hastings' courtroom diary for 1981.	7/27/89	2909
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141.....	Cover page of courtroom diary for 1981	7/27/89	2913
141 A ...	Copy of page from courtroom diary for Wednesday, July 8, 1981.	8/1/89	2914
144.....	Carillon Beach Hotel reservation confirmation slip and check for Judge Hastings, February 26–March 1, 1981.	8/1/89	2915
145.....	Letter from Judge Hastings to William Borders, enclosing letter from Judge Hastings to Judge W. Eugene Sharp, April 21, 1981.	8/1/89	2917
146.....	Correspondence between Judge Hastings and Earle Wallo and program of and newspapers about the 6th Annual New Jersey Juvenile Justice Training Seminar.	8/1/89	2922
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154.....	Resume of Charles Duncan.....	7/31/89	2937
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156.....	Letter from Barbara Whiting to Judge Hastings with attached invitation to Gala Celebration, August 24, 1981.	8/1/89	2942
157.....	Transcript, *U.S.* v. *Borders & Hastings,* Hearing on Defendant's Non-Evidentiary Pretrial Motions, February 17, 1981.	8/3/89	2948
158.....	Letters from Patricia Williams to various individuals seeking information on the whereabouts of William Dredge.	8/2/89	3162
159.....	Letter from Andrew Mavrides to Reid Weingarten, November 4, 1982.	8/2/89	3176
160.....	Letter from Reid Weingarten to Andrew Mavrides, November 9, 1982.	8/2/89	3177
162.....	Docket Sheet, *Jean* v. *Meissner,* pages 1–9	8/2/89	3178
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167.....	Transcript, *U.S.* v. *Hastings,* pages 1723–1739, testimony of Norma Stallworth.	8/3/89	3470

Gerard J. Doyle
Segment Manager - Security

Southern Bell

666 N.W. 79th Avenue - Room 319
Miami, Florida 33126
(305) 263-3081

January 27, 1989

Ms. Catherine Kleifges

U. S. House of Representatives
Room 361 - House Annex Two
~~26D Streets, S. W.~~
Committee on the Judiciary
Washington, D. C. 20515-6216

Dear Sir/Madam:

Attached, please find the customer toll billing records for Miami subscribers to telephone numbers (305) 350-4201; 350-4220; 350-4228; 350-4278; 350-4279; 350-4280; 350-4289; 945-9939; 757-6530 which were subpoenaed by the U. S. House of Representatives Washington, D. C.; matter of the Impeachment of Judge Alcee L. Hastings.

If this office may be of further assistance, please advise.

Very truly yours,

Angela R. Heller
Records Custodian
Southern Bell

AS DISCUSSED, THE OTHER TELEPHONE NUMBERS REQUESTED ON THE SUBPOENA WILL BE FORTHCOMING FROM THE RESPECTIVE SECURITY OFFICES.

United States Senate
EXHIBIT
HOUSE 195

EXHIBIT
195
HOUSE

1/27/89

CUSTOMER RECORD

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT	DMS	TAX
CHGS FOR 350 4279 BILL TO 350 5 01 1									
304	MOBILE	AL	205 690 6969	AD	1132	6	233	9 0052	
310	W PALM BCH	FL	832 9999	AD	950	9	324	8 0088	
310	JACKSONVL	FL	904 757 6991	AD	1115	2	108	8 0032	
P 728	EX TX	665	LT	ST		FT		INCL TX	

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT	DMS	TAX
CHGS FOR 350 4280 BILL TO 350 5 01 1									
310	HOLLYWOOD	FL	931 4382	AD	850	1	27	8 0003	
310	HOLLYWOOD	FL	931 4382	AD	1136	1	27	8 0003	
P 729	EX TX	54	LT	ST		FT		INCL TX	

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT	DMS	TAX
CHGS FOR 350 4289 BILL TO 350 5 01 1									
304	FTLAUDERDL	FL	563 4803	AD	325	1	31		
P 732	EX TX	31	LT	ST		FT			

PAYMENTS & ADJ SINCE LAST BILL

DATE T AMOUNT DATE T AMOUNT

EXHIBIT
1956
HOUSE

DATE PLACE CALLED TELEPHONE NO TC TIME MIN AMT CHGS FOR 350 4278 BILL TO 350 S 01 1
321 MOBILE AL 205 432 0928 28 717 1 1NO A
FM PENSA FL 904 433 9640
P 703 EX TX 140 LT ST FT INCL TX

DATE PLACE CALLED TELEPHONE NO TC TIME MIN AMT CHGS FOR 350 4279 BILL TO 350 S 01 1
323 BELLEGLADE FL 996 2079 AD 1132 5 184 8 0044
327 HAMILTON OH 513 867 RC23 AD 1209 2 93 8 0018
327 W PALM BCH FL 844 1387 AD 1212 1 44 8 0063
408 ORLANDO FL 420 3131 AD 319 5 28 8 0044
415 W PALM BCH FL 689 4617 AN 746 1 17 8 0063
415 W PALM BCH FL 689 4671 AN 746 4 59 8 0034
415 BELLEGLADE FL 996 2079 AE 305 2 51 8 0011
420 ORLANDO FL 420 3131 AD 253 8 354 8 0071
421 W PALM BCH FL 837 2785 AD 911 3 114 8 0 10
P 704 EX TX 1144 LT ST FT INCL TX 1144

DATE PLACE CALLED TELEPHONE NO TC TIME MIN AMT CHGS FOR 350 4280 BILL TO 350 S 01 1
402 HOLLYWOOD FL 954 5000 AD 1013 6 107 8 0053
P 705 EX TX 107 LT ST FT INCL TX

PAYMENTS & ADJ SINCE LAST BILL

DATE	T	AMOUNT	DATE	T	AMOUNT
05065		48363D5195			220
05065		8996D522R			OVER
05065		29785D522R			OVER
05195		27998S225			2450

BA	NB	PMT MOC	CC	BCL	PPD	CT
615622		A	A	P		9

TOT	MBST	TCL	STA	PAST DUE
555555008		20293.9613		

LINE	LINE	DIC MBST	CHECK
P+USPLUSP+USP000001080			
ETH SPIRLEY HUMPHREY 35			
# 350-6177 CS MATS ETC			

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT
CHGS FOR 350 4228 BILL TO 350 5 01 1							
4 27	BELLEGLADE	FL	996 4990	AD	309		
4 28	ORLANDO	FL	425 2775	AN	1442		
4 28	FTLAUDERDL	FL	765 4947	AD	1220		
4 28	QUEENS NYC	NY 212	544 0769	AD	1104		
4 29	STONE MT	VA 703	297 5982	AD	1042		
4 29	BKLYN NYC	NY 212	574 8213	AD	249		
4 30	BELLEGLADE	FL	996 0732	AN	707		
4 30	W PALM BCH	FL	659 4671	AN	715		
4 30	FTLAUDERDL	FL	776 0471	AD	1201		
4 30	FTLAUDERDL	FL	473 4455	AD	1205		
4 30	FTLAUDERDL	FL	765 1584	AD	1208		
5 01	BELLEGLADE	FL	996 4990	AD	1003		
5 02	ORLANDO	FL	855 5033	AN	147		
5 04	BILOXI	MS 601	388 7000	AD	105		

$ 6 94

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT
CHGS FOR 350 4228 BILL TO 350 5 01 1							
5 04	ORLANDO	FL	420 3131	AD	301		
5 04	ORLANDO	FL	425 2775	AE	541		
5 04	W PALM BCH	FL	837 2669	AE	552		
5 04	W PALM BCH	FL	659 4671	AE	553		
5 05	COLUMBIA	SC 803	758 8825	AD	1117		
5 06	SARASOTA	FL 813	365 0550	AD	1102		
5 07	LAKELAND	FL 813	687 8543	AD	1031		
5 08	ORLANDO	FL	855 5033	AD	442		
5 09	ORLANDO	FL	426 2775	AN	410		
5 12	W PALM BCH	FL	832 2889	AD	1020		
5 14	W PALM BCH	FL	659 2009	AD	846		
5 15	W PALM BCH	FL	686 3781	AD	922		
5 15	NEW HAVEN	CT 203	281 4285	AE	507		
5 19	ORLANDO	FL	420 3131	AD	208		

$ 6 96

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT
CHGS FOR 350 4228 BILL TO 350 5 01 1							
5 20	POMPANOBCH	FL	971 4630	AD	451		

$ 6 96 EA TA 293 61 ST FT INCL TA

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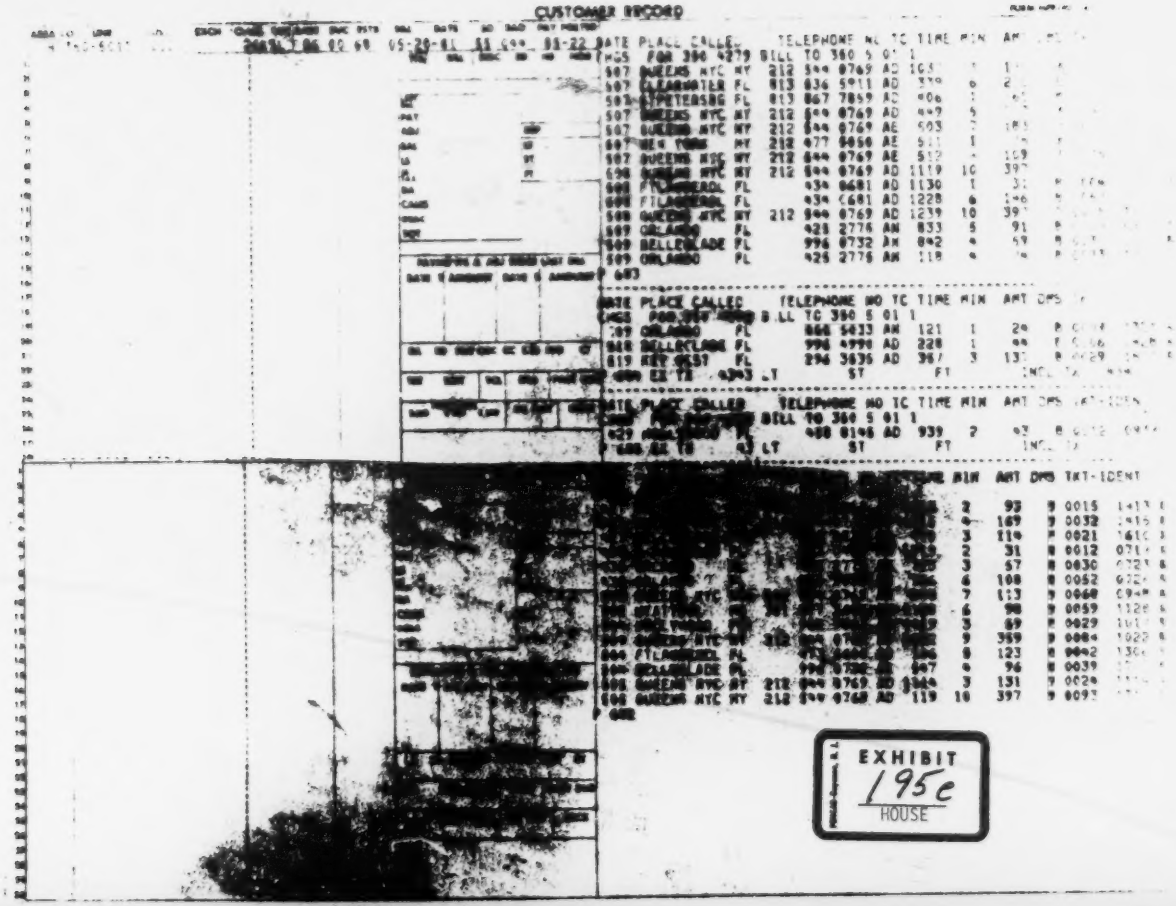

CUSTOMER RECORD

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MCS	FOR 360 4279		BILL TO 360 5 01 1					
507	QUEENS NYC	NY	212 544 0769	AD	104	1	1	
507	CLEARWATER	FL	813 536 5911	AD	330	6	2	
507	STPETERSBG	FL	813 867 7859	AD	406	1	0	
507	QUEENS NYC	NY	212 544 0769	AD	449	5		
507	QUEENS NYC	NY	212 544 0769	AE	503	2	189	
507	NEW YORK	NY	212 477 9450	AE	521	1	0	
507	QUEENS NYC	NY	212 544 0769	AE	512	4	159	
508	QUEENS NYC	NY	212 544 0769	AD	1119	10	397	
508	FTLAUDERDL	FL	434 6681	AD	1130	1	31	R
508	FTLAUDERDL	FL	434 6681	AD	1228	6	146	R
509	QUEENS NYC	NY	212 544 0769	AD	1239	10	397	
509	ORLANDO	FL	421 2776	AN	833	5	91	R
509	BELLEVLADE	FL	996 6732	AN	842	4	59	R
509	ORLANDO	FL	426 2776	AN	118	4	14	R

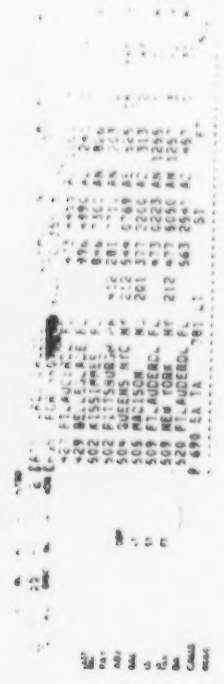
DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT	DPS
MCS	FOR 360 4279		BILL TO 360 5 01 1					
509	ORLANDO	FL	868 5433	AN	121	1	20	R
508	BELLEVLADE	FL	996 4990	AD	228	1	08	R
819	KEY WEST	FL	296 3635	AD	367	3	137	R
	EE TE	4343 LT	ST		FT		INCL TX	

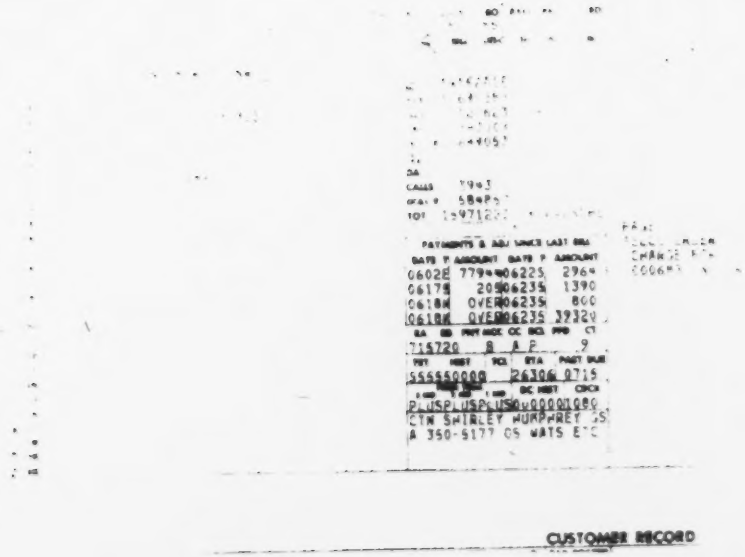
DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT	DPS
			BILL TO 360 5 01 1					
429		FL	488 8146	AD	939	2	93	R
	EE TE	43 LT	ST		FT		INCL TX	

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT	DPS	TXT-IDENT
						2	93	P	0015
						4	169	P	0032
						3	119	P	0021
						2	31	R	0012
						3	67	R	0036
						6	108	R	0052
						7	113	P	0060
						6	98	P	0059
						5	89	R	0029
						9	359	P	0084
606	FTLAUDERDL	FL				8	123	R	0042
606	BELLEVLADE	FL	996		607	4	96	R	0039
606	QUEENS NYC	NY	212 544	0769	AD 1344	3	131	P	0026
606	QUEENS NYC	NY	212 544	0769	AD 119	10	397	P	0093

EXHIBIT 195c HOUSE

1700





PAYMENTS & ADJ SINCE LAST BILL

DATE	T	AMOUNT	DATE	T	AMOUNT
0602E		7794-	06225		296+
0617S		205-	06235		1390
0618M		OVER	06235		800
0618M		OVER	06235		39320

RA RB PRT ANOC CC BCL PPD CT

715720 B A P 9

PBT	MBT	PCL	BTA	PAST DUE
5555550000			26306	0715

BC MBT CBCH

P USPI USPC USO 000001000

CTM SHIRLEY MURPHREY JS

A 350-6177 OS WATS ETC

CUSTOMER RECORD

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	PIN	AMT
CHGS	FOR 388 4220 BILL TO 350 5 01 1						
601	W PALM BCH	FL	659 4671	AN	740		91
608	JACKSONVL	FL 904	358 3315	AD	1258	4	199
610	GAINESVL	FL 904	371 3000	AD	317	5	243
611	DAYTON	OH 513	225 5376	AD	1159	2	91
607	EA TA	565 LT	ST				

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	PIN	AMT
CHGS	FOR 388 4279 BILL TO 350 5 01 1						
521	ORLANDO	FL	841 9416	AL	0		
529	KEY WEST	FL	296 9535	AC	1141		1.1
601	ORLANDO	FL	420 3177	AC	1211	4	1.1
610	FM HOLLYWD	FL 305	457 5107	AC	1211		1.1
611	CLEARWATER	FL 813	536 6411	AC	1211		1.1
617	TALLAHASSE	FL 904	488 2274	AC	1211		1.1
635	EA TA	628 LT					

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	PIN	AMT
CHGS	FOR 388 4280 BILL TO 350 5 01 1						
609	POMPANOBCH	FL	941 0780	AC	1141		1.1
615	POMPANOBCH	FL	941 9455	AD	1258	6	1.1
618	FTLAUDERDL	FL	463 7235	AD	1211		1.1
636	EA TA	284 LT	ST				

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	PIN	AMT
CHGS	FOR 388 4289 BILL TO 350 5 01 1						
527	W PALM BCH	FL	627 1406	AC	1141	3	1.1
619	SEBRING	FL 813	385 5156	AD	1211		1.1
637	EA TA	911 LT	ST				

ITEMIZED CALLS 305-[redacted]-0279 PAGE 0905

INC.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT
1.	JUN 24	9:[illegible]	TO TAMPA	FL 813 248-1931	DD	2	1.02
2	JUN 24	1000AM	TO NEW YORK	NY 212 310-9000	DD	5	[illegible]
3.	JUN 24	1125AM	TO TAMPA	FL 813 248-1931	DD	[illegible]	[illegible]
4.	JUL 6	843AM	TO WASHINGTON	DC 202 864-9140	DD	[illegible]	[illegible]
5.	JUL 9	1115AM	TO ORLANDO	FL 305 855-5033	DD	[illegible]	[illegible]
6.	JUL 9	1120AM	TO ORLANDO	FL 305 351-7898	DD	[illegible]	[illegible]

KEY *-RATE APPLIED:
DD -DIAL DAY

TOTAL FOR 3[illegible] 550-0279 . . [illegible]

ITEMIZED CALLS 305-[redacted]-0289 PAGE 0909

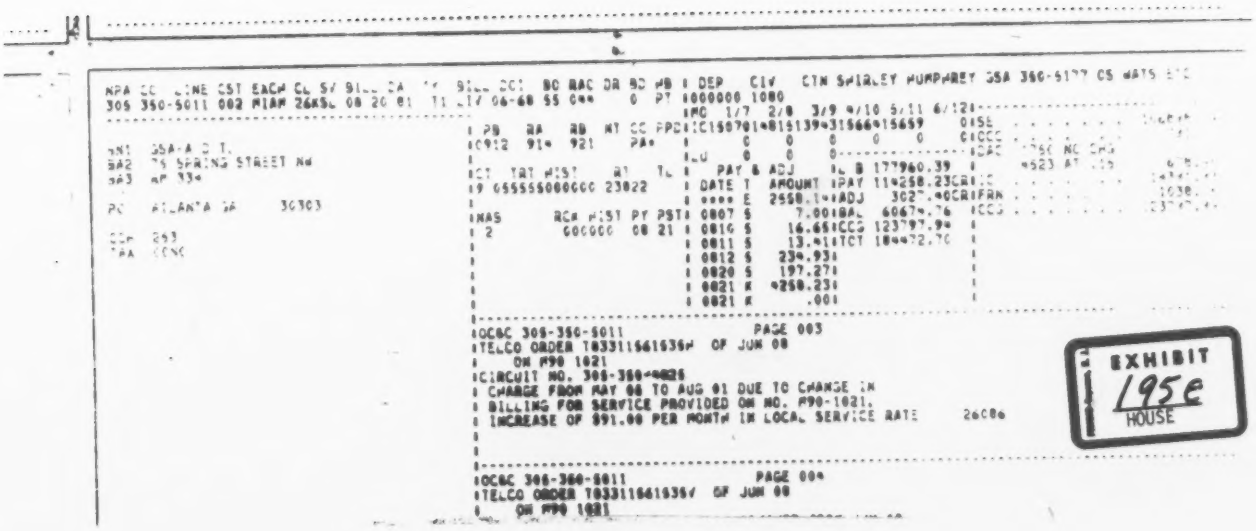
NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT
1.	JUL 8	1063AM	TO HOLLYWOOD	FL 305 929-1984	DD	1	.27
2.	JUL 13	1208AM	TO TALLAHASSE	FL 904 488-2381	DD	*	1.98
3.	JUL 20	1057AM	TO MELBOURNE	FL 305 724-6773	DD	*	.57

KEY *-RATE APPLIED:
DD -DIAL DAY

TOTAL FOR 305 350-0289 . . 2.82

EXHIBIT 195d HOUSE

1705

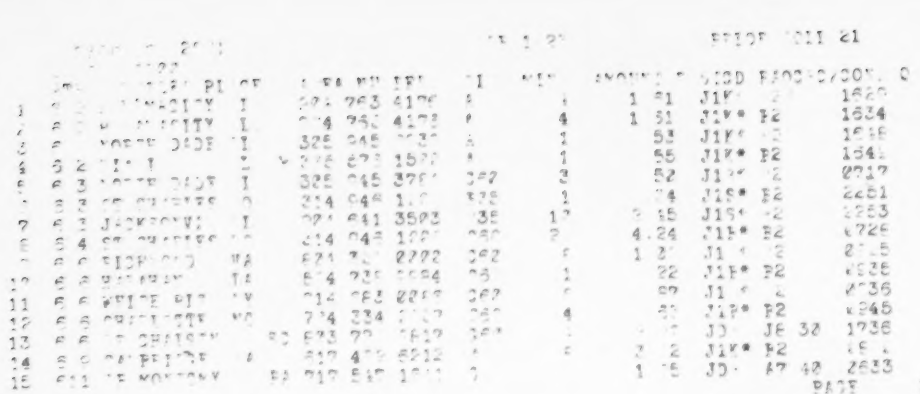


NPA CC LINE CST EACH CL S/ BILL DA TY BILL DCT BO BAC DR BD #B # DEP CIV CTN SHIRLEY HUMPHREY GSA 360-6177 CS #ATS ETC
305 350-5011 002 MIAM 26KSL 08 20 01 TI LIV 06-60 SS 0** 0 PT #000000 1080
#MC 1/7 2/8 3/9 9/10 5/11 6/12#
#C1S0701*B1S1394315669*15659 0#SE
#CCS
#DAS 1796 NO CHA
#CT TRT #IST RI TL # PAY & ADJ % B 177960.39 # #523 AT
#9 055555000000 23022 # DATE T AMOUNT #PAY 114258.23CR#IC
**** E 2550.1*#ADJ 302?.*0CR#FRA
#NAS RC# #IST PY PST# 0807 $ 7.00#BAL 60675.76 #CCS
2 000000 08 21 # 0810 $ 16.66#CCS 123797.9*
0811 $ 13.*1#TCT 184*72.70
0812 $ 234.93#
0820 $ 197.27#
0821 R *250.23#
0821 R .00#

#OC&C 305-350-5011 PAGE 003
#TELCO ORDER T033115616364 OF JUN 08
ON #90 1021
#CIRCUIT NO. 305-350-*826
CHARGE FROM MAY 08 TO AUG 01 DUE TO CHANGE IN
BILLING FOR SERVICE PROVIDED ON NO. #90-1021,
INCREASE OF $91.00 PER MONTH IN LOCAL SERVICE RATE 26C0e

#OC&C 305-350-5011 PAGE 00*
#TELCO ORDER T033116616364 OF JUN 08
ON #90 1021

EXHIBIT
195e
HOUSE



DEFENDANT'S EXHIBIT 45

196A

IC 62

EXHIBIT 196A HOUSE

28 5218 ST NE 0825 PRIOR TOLL 35
WASHINGTON DC 20018
TAX 11 TAF 0000

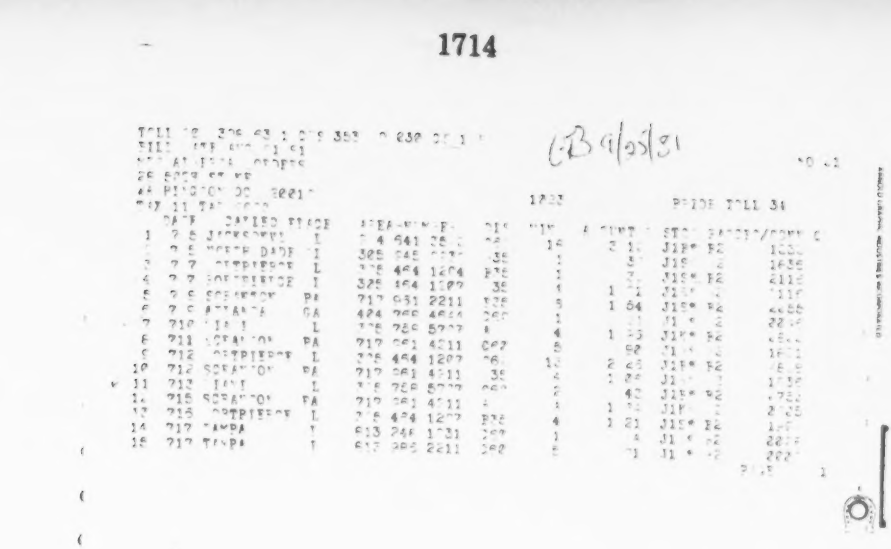
	DATE	CALLED PLACE		AREA NUMBER	DI	MIN	AMOUNT	STOD	RATE C/CONN C
1	430	MONTGOMY	PA	717 547 1641	I	1	3 00	JDC	A2 42 0826
2	5 3	HIGH POINT NC		919 882 6442	06	1	19	J1B*	P2 1126
3	5 3	BIRMINGHAM AL		205 933 0000	060	1	21	J1B*	P2 1128
4	5 3	BIRMINGHAM AL		205 933 0000	060	2	.78	J1B*	P2 1116
5	5 7	W PALM BCH FL		✓305 842 8820	060	10	2 37	J1B*	P2 0726
6	5 7	NORTH DADE FL	D	✓305 945 9939	060	1	.21	J1B*	P2 6747
7	5 9	SOFTPIEFCE FL		✓305 464 1207	060	10	1 50	J1B*	P2 2002
8	510	HIGH POINT NC		919 454 3103	060	6	87	J1B*	P2 1657
9	510	NORTH DADE FL		✓305 945 0930	035	3	81	J1B*	P2 1738
10	510	NORTH DADE FL		✓305 945 3784	035	3	.91	J1B*	P2 2252
11	511	COLUMBIA SC		803 254 0541	A	2	86	J1B*	P2 0833
12	516	SOFTPIEFCE FL		✓305 464 1207	060	17	2.51	J1B*	P2 2214
13	517	RICHMOND VA		804 320 0070	060	1	18	J1B*	P2 0857
14	521	BALTIMORE MD		301 542 4432	060	1	.14	J1B*	P2 6711
15	524	FT SEATTLE	WA	206 624 0500	C	2	2 35	JD3	U6 10 0857

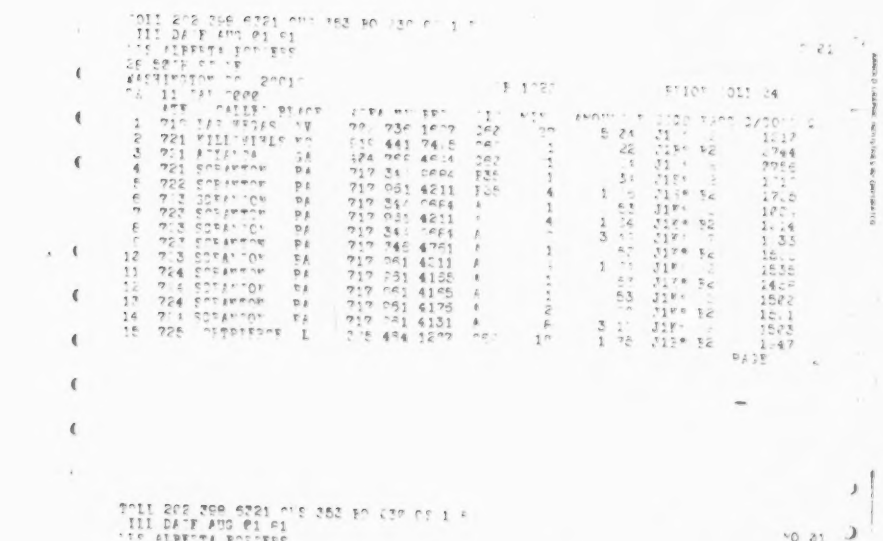
PAGE 1

TOLL 301 320 6321 CYS 353 0 030 CS FT NO 42
BILL DATE JUN 21 91
MRS ALBERTA FORDERS
28 5214 ST NE 0825 PRIOR TOLL 35
WASHINGTON DC 20017
TAX 11 TAF 0000

	DATE	CALLED PLACE		AREA NUMBER	DI	MIN	AMOUNT	STOD	RATE C/CONN C
1	524	ROCHESTER NY		716 467 1535	035	2	1 72	J1B*	P2 2218
2	525	BOCA RATON FL		✓305 483 2733	035	1	34	J1B*	P2 2252
3	528	TLAHASSEE FL		✓904 681 8178	060	1	.21	J1B*	P2 1756
4	529	JACKSONVI FL		904 641 3503	060	6	35	J1B*	P2 2755
5	529	MIAMI FL		✓305 352 4286	A	1	88	J1B*	P2 0847
6	531	SOFTPIEFCE FL		✓305 464 1207	035	2	2 51	J1B*	P2 2131

TOTAL 21 74 PAGE 2





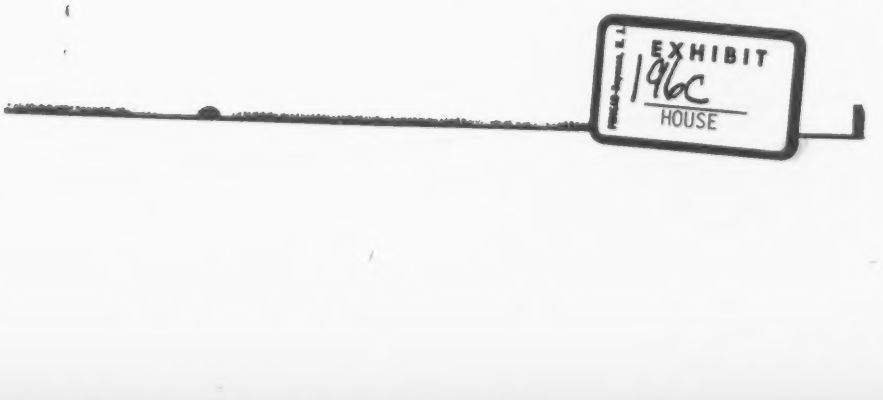


EXHIBIT
196C
HOUSE

[illegible]
WASHINGTON DC 2001
[illegible] 1723 PRIOR TOLL 43

	DATE	CALLED PLACE	AREA NUMBER	DI	MIN	AMOUNT	STD	RATE/CONN	D
1	8 1	[illegible] MI	313 946 8601	D	2	2 45	JD10	LP 00	0840
2	8 3	[illegible] PA	717 547 1641	I	2	3 57	J10	A7 4C	0620
3	8 4	KILLIMIFIS MO	910 441 7405	A	1	58	J1K*	P2	1316
4	8 4	NEWORLEANS LA	504 733 7582	A	6	2 04	J1K*	P2	1327
5	8 4	ANDOVER MA	617 475 3876	A	1	58	J1K*	P2	1341
6	8 4	ANDOVER MA	617 475 2412	P7E	4	1 19	J1S*	P2	2255
7	8 5	NEWORLEANS LA	504 733 7582	A	7	3 28	J1K*	P2	1645
8	8 5	NORTH DADE L	325 945 9939	P35	1	39	J1S*	P2	1726
9	8 5	ATLANTA GA	404 766 4614	435	1	39	J1S*	P2	1846
10	810	GREENWICH CT	203 869 4243	A	6	2 51	J1K*	P2	2021
11	814	[illegible] PA	717 547 1641	I	1	3 59	J10	A7 4C	2027
12	814	NEW BUNSWK NJ	201 828 6000	0	1	21	J1 *	P2	2214
13	814	SCRANTON PA	717 344 0684	A	5	2 01	J1K*	P2	1615
14	816	FORTPIERCE FL	305 461 1307	435	11	3 13	J1S*	P2	1650
15	823	JACKSONVL L	904 641 3582	P35	13	3 57	J1S*	P2	1[illegible]

PAGE 1

TOLL 202 328 6341 OLS 353 0 230 05 1-8
BILL DATE SEP 01 81
MRS AIRERIA [illegible] NO 22
28 60TH ST NE
WASHINGTON DC 20016
TAX 11 TAE 0002 1223 PRIOR TOLL 43

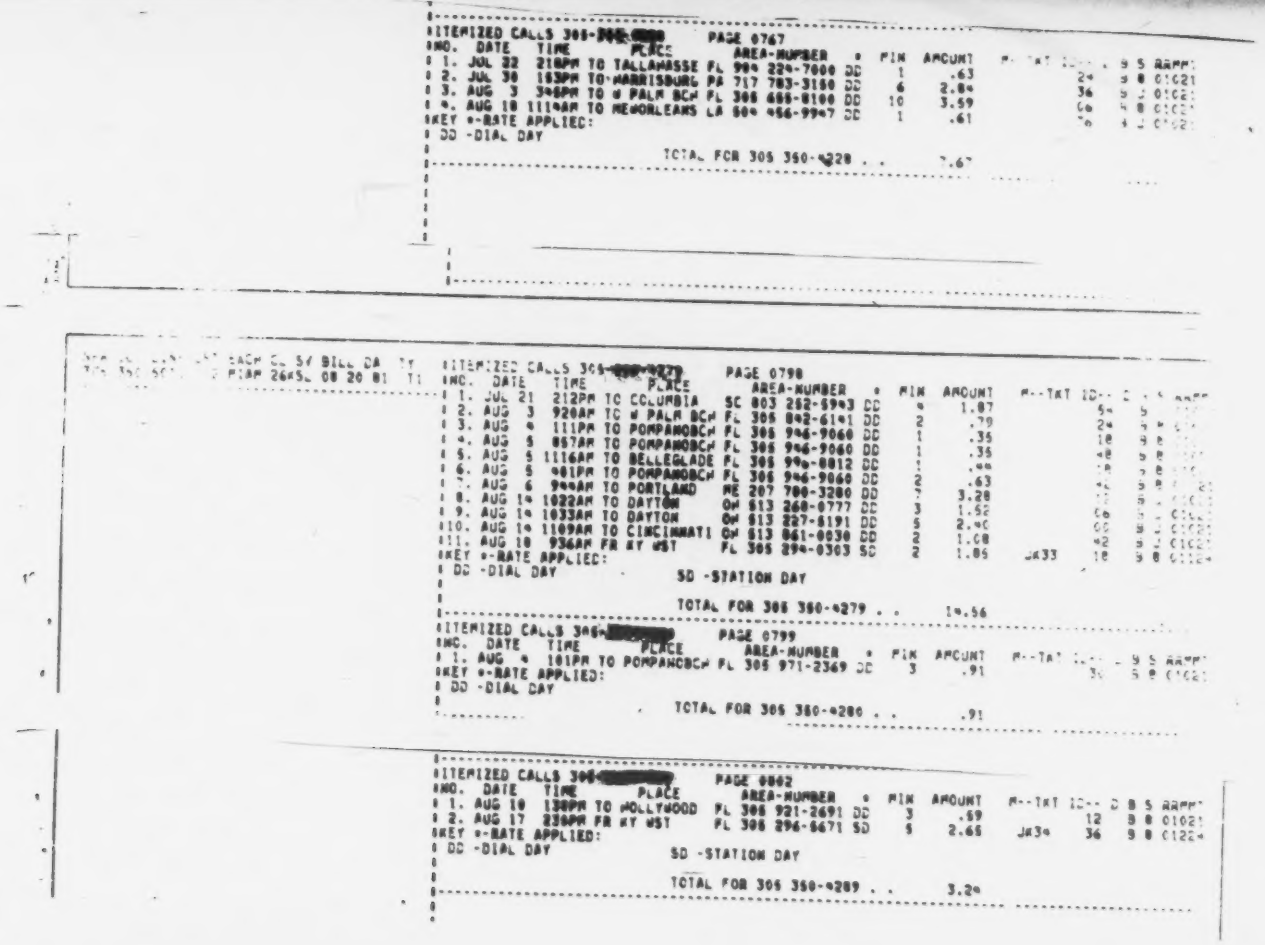
	DATE	CALLED PLACE	AREA-NUMBER	DI	MIN	AMOUNT	STD	RATE/CONN	D
1	823	FORT PATON L	305 483 6233	P35	1	39	J1S*	P2	1906
2	823	NORTH DADE I	325 945 9939	35	8	1 76	J1S*	P2	2116
3	824	[illegible] PA	717 547 1641	I	1	3 59	J10	A7 4C	0838
4	827	SYRACUSE NY	315 475 2806	435	10	3 53	J1S*	P2	1906
5	828	[illegible] PA	717 547 1641	I	2	3 59	J10	A7 4C	0911
6	828	ATLANTA GA	404 755 3586	A	1	51	J1K*	P2	1613
7	829	E ATLANTA GA	404 766 7902	0	2	2 59	J1E	J2 51	1446

TOTAL 45 29 PAGE 2

[redacted]

[redacted]

EXHIBIT 1946D HOUSE



#ITEMIZED CALLS 305-[redacted] PAGE 0767

#NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R--TXT ID--	D	B	S	RRPP
# 1.	JUL 22	218PM	TO TALLAHASSE	FL 904 224-7000	DD	1	.63	24		9	8	01021
# 2.	JUL 30	143PM	TO HARRISBURG	PA 717 783-3160	DD	6	2.84	36		9	8	01021
# 3.	AUG 3	348PM	TO W PALM BCH	FL 305 686-8100	DD	10	3.59	06		9	8	01021
# 4.	AUG 10	1119AM	TO NEWORLEANS	LA 504 456-9947	DD	1	.61	36		9	8	01021

#KEY *-RATE APPLIED:
DD -DIAL DAY

TOTAL FOR 305 350-[redacted] . . 7.67

#ITEMIZED CALLS 305-[redacted] PAGE 0798

#NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R--TXT ID--	D	B	S	RRPP
# 1.	JUL 21	212PM	TO COLUMBIA	SC 803 252-5943	DD	*	1.87	54		9	8	01021
# 2.	AUG 3	920AM	TO W PALM BCH	FL 305 842-6141	DD	2	.79	24		9	8	01021
# 3.	AUG *	111PM	TO POMPANOBCH	FL 305 946-9060	DD	1	.35	18		9	8	01021
# 4.	AUG 5	857AM	TO POMPANOBCH	FL 305 946-9060	DD	1	.35	48		9	8	01021
# 5.	AUG 5	1116AM	TO BELLEGLADE	FL 305 996-8812	DD	1	.**	18		9	8	01021
# 6.	AUG 5	*01PM	TO POMPANOBCH	FL 305 946-9060	DD	2	.63	48		9	8	01021
# 7.	AUG 6	9**AM	TO PORTLAND	ME 207 780-3200	DD	7	3.28	12		9	8	01021
# 8.	AUG 1*	1022AM	TO DAYTON	OH 513 268-0777	DD	3	1.52	06		9	8	01021
# 9.	AUG 1*	1033AM	TO DAYTON	OH 513 227-6191	DD	5	2.**	00		9	8	01021
#10.	AUG 1*	1109AM	TO CINCINNATI	OH 513 661-0030	DD	2	1.08	42		9	8	01021
#11.	AUG 18	936AM	FR KY WST	FL 305 294-0303	SD	2	1.85	JA33	18	9	8	01124

#KEY *-RATE APPLIED:
DD -DIAL DAY SD -STATION DAY

TOTAL FOR 305 350-*279 . . 14.56

#ITEMIZED CALLS 305-[redacted] PAGE 0799

#NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R--TXT ID--	D	B	S	RRPP
# 1.	AUG *	101PM	TO POMPANOBCH	FL 305 971-2369	DD	3	.91	30		9	8	01021

#KEY *-RATE APPLIED:
DD -DIAL DAY

TOTAL FOR 305 350-*286 . . .91

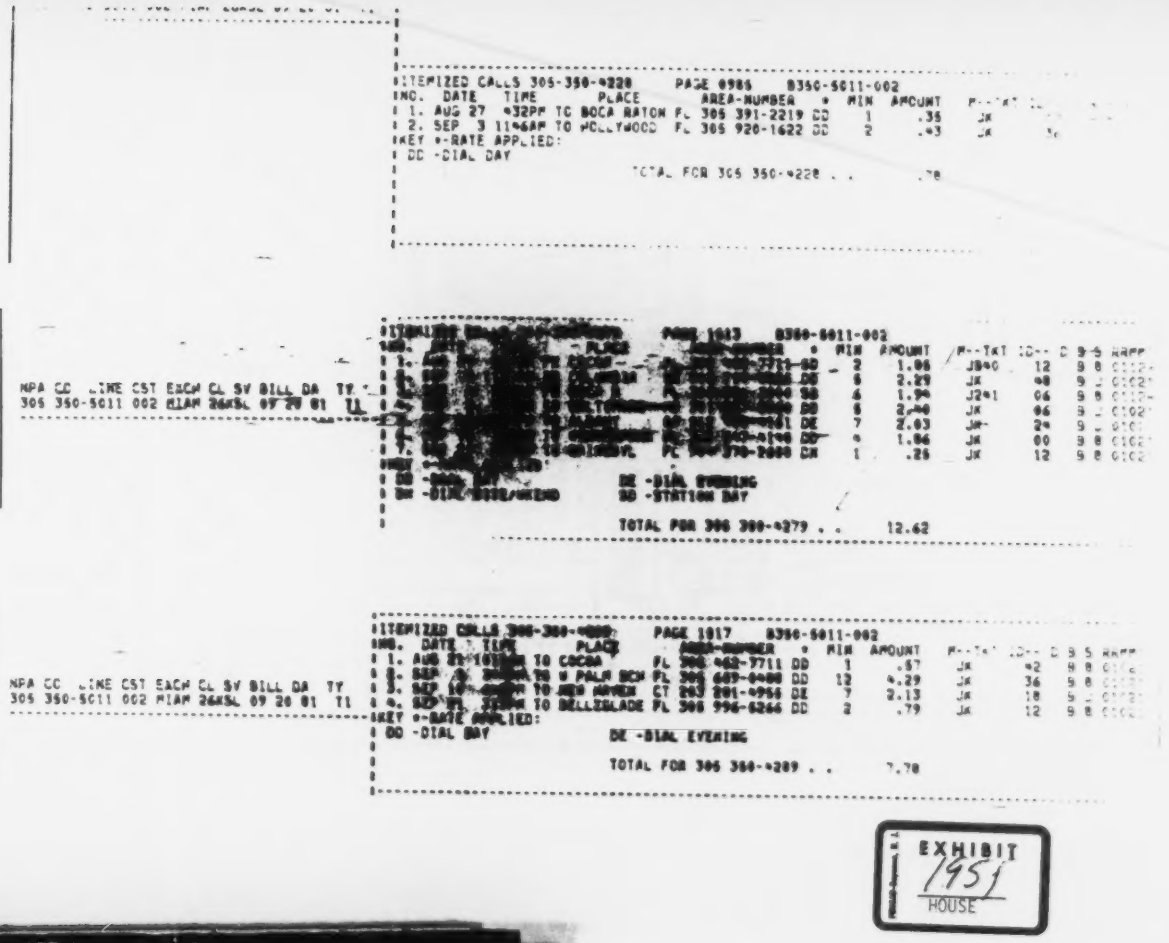
#ITEMIZED CALLS 305-[redacted] PAGE 0842

#NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R--TXT ID--	D	B	S	RRPP
# 1.	AUG 10	138PM	TO HOLLYWOOD	FL 305 921-2691	DD	3	.69	12		9	8	01021
# 2.	AUG 17	236PM	FR KY WST	FL 305 296-6671	SD	5	2.65	JA34	36	9	8	01224

#KEY *-RATE APPLIED:
DD -DIAL DAY SD -STATION DAY

TOTAL FOR 305 350-*289 . . 3.2*

1707



ITEMIZED CALLS 305-350-9220 PAGE 0985 B350-5011-002

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	F--TXT	ID--	D	S	S
1.	AUG 27	032PM	TO BOCA RATON	FL 305 391-2219	DD	1	.35	JK				
2.	SEP 3	1146AM	TO HOLLYWOOD	FL 305 920-1622	DD	2	.43	JK				

*KEY *-RATE APPLIED:
DD -DIAL DAY

TOTAL FOR 305 350-9220 . . .78

NPA CC LINE CST EACH CL SV BILL DA TY
305 350-5011 002 MIAM 26KSL 09 20 01 TL

ITEMIZED [redacted] PAGE 1013 B350-5011-002

NO.	[redacted]	PLACE	[redacted]	*	MIN	AMOUNT	F--TXT	ID--	D	S	S
1.	[redacted]	[redacted]	[redacted]	[redacted]		2	1.06	JB40		12	9	8
2.	[redacted]	[redacted]	[redacted]	[redacted]		6	2.29	JK		48	9	1
3.	[redacted]	[redacted]	[redacted]	[redacted]		4	1.34	J241		06	9	8
4.	[redacted]	[redacted]	[redacted]	[redacted]		5	2.40	JK		06	9	1
5.	[redacted]	[redacted]	[redacted]	[redacted]	DE	7	2.03	JK		24	9	1
6.	[redacted]	[redacted]	[redacted]	[redacted]	DD	4	1.06	JK		00	9	8
7.	[redacted]	[redacted]	FL [redacted]	370-2000	DA	1	.25	JK		12	9	8

*KEY *-RATE APPLIED:
DD -DIAL DAY
DE -DIAL EVENING
DA -DIAL DAY/WKEND
DD -STATION DAY

TOTAL FOR 305 350-9279 . . 12.62

NPA CC LINE CST EACH CL SV BILL DA TY
305 350-5011 002 MIAM 26KSL 09 20 01 TL

ITEMIZED CALLS 305-350-9289 PAGE 1017 B350-5011-002

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	F--TXT	ID--	D	S	S
1.	AUG 31	101AM	TO COCOA	FL 305 452-7711	DD	1	.67	JK		42	9	8
2.	SEP 1	0[redacted]	TO W PALM BCH	FL 305 689-0488	DD	13	4.29	JK		36	9	8
3.	SEP 1	0[redacted]	TO NEW HAVEN	CT 203 281-4956	DE	7	2.13	JK		18	9	1
4.	SEP 1	1[redacted]	TO BELLEGLADE	FL 305 996-6266	DD	2	.79	JK		12	9	8

*KEY *-RATE APPLIED:
DD -DIAL DAY
DE -DIAL EVENING

TOTAL FOR 305 350-9289 . . 7.78

1709

EXHIBIT 1951 HOUSE

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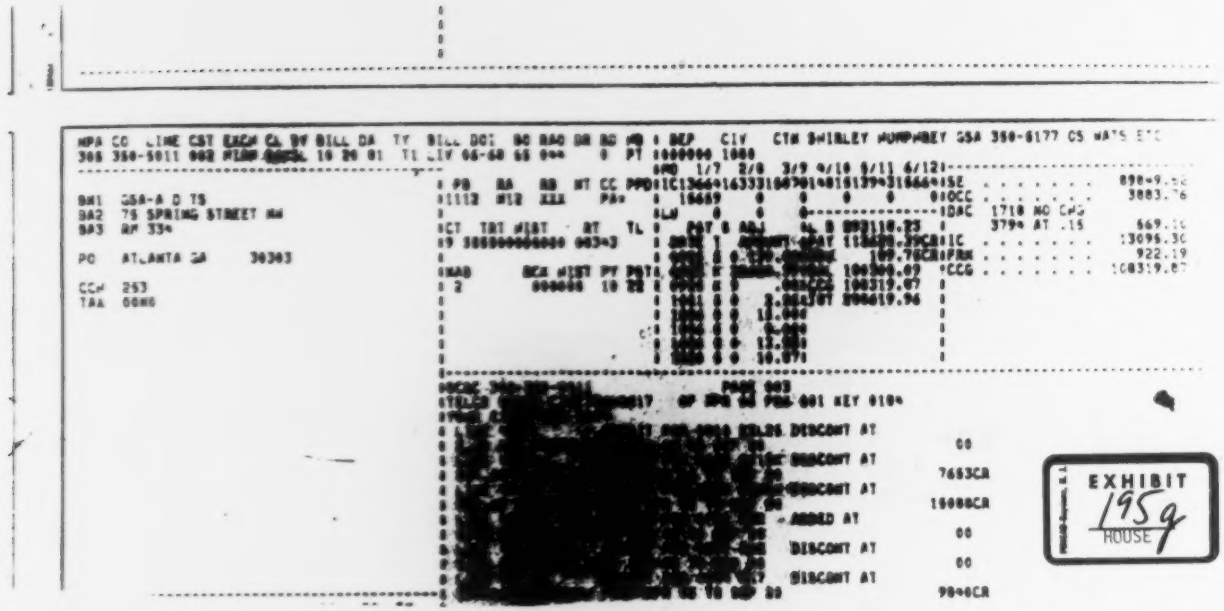


BH1 GSA-A D TS
BA2 75 SPRING STREET NW
BA3 RM 334

PO ATLANTA GA 30303

CCH 253
TAA 00H0

DISCONT AT 00
DISCONT AT 7653CR
DISCONT AT 16080CR
ADDED AT
DISCONT AT 00
DISCONT AT 00
9040CR

EXHIBIT 195g HOUSE

1710

BEST AVAILABLE COPY

NPA CO LINE CST EACH CL SV BILL DA TY
305 350-5011 002 MIAM 26KSL 10 20 81 T1

ITEMIZED CALLS 305-350-9220 PAGE 0727 B350-5011-002

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	S	ARMT
1.	SEP 23	0959PM PR W	PALM	FL 305 630-2710	SD	4	1.95	J252	48	5	8	01021
2.	SEP 24	1021AM TO W	PALM BCH	FL 305 837-2794	DD	6	2.19	JK	42	5	8	01021
3.	OCT 2	1112AM TO W	PALM BCH	FL 305 [illegible]	DD	1	.44	JK	36	5	8	01021
4.	OCT 8	0946PM TO	DELLERSLADE	FL 305 996-5241	DD	2	.79	JK	24	5	8	01021

KEY *-RATE APPLIED:
DD -DIAL DAY SD -STATION DAY

TOTAL FOR 305 350-9220 . . 5.37

ITEMIZED CALLS 305-350-9279 PAGE 0744 B350-5011-002

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	S	ARMT
1.	SEP 22	1204PM TO	FTLAUDERDL	FL 305 467-0606	DD	3	.77	JK	24	5	8	01021
2.	OCT 2	1003AM TO	STONE MT	VA 703 297-5962	DD	7	3.13	JK	24	5	8	01021
3.	OCT 12	1104AM TO	TAMPA	FL 813 [illegible]	DD	2	1.02	JK	12	5	8	01021
4.	OCT 13	0838AM PR	FT LDL	FL 305 731-8176	SD	*	1.23	J241	06	5	8	01021
5.	OCT 13	1079PM PR	FT LDL	FL 305 731-8176	SD	1	1.00	J241	54	5	8	01021
6.	OCT 14	0958AM PR	FT LDL	FL 305 731-8176	SD	*	1.23	J241	12	5	8	01021
7.	OCT 14	1339PM PR	FT LDL	FL 305 486-0733	SD	2	1.00	J241	48	5	8	01021
8.	OCT 16	0930AM PR	FT LDL	FL 305 486-0733	SD	1	1.00	J242	48	5	8	01021
9.	OCT 16	3168PM PR	FT LDL	FL 305 486-0733	SD	3	1.00	J242	48	5	8	01021
10.	OCT 19	0938AM PR	DAYTON	OH 513 224-0000	SD	*	3.04	T650	18	5	8	01021

KEY *-RATE APPLIED:
DD -DIAL DAY SD -STATION DAY

NPA CO LINE CST EACH CL SV BILL DA TY
305 350-5011 002 MIAM 26KSL 11 20 81 T1

ITEMIZED CALLS 305-350-9279 PAGE 0745 B350-5011-002

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	S	ARMT
1.	OCT 09	0857AM PR	DAYTON	OH 513 224-0000	SD	5	3.48	T650	48	5	8	01021

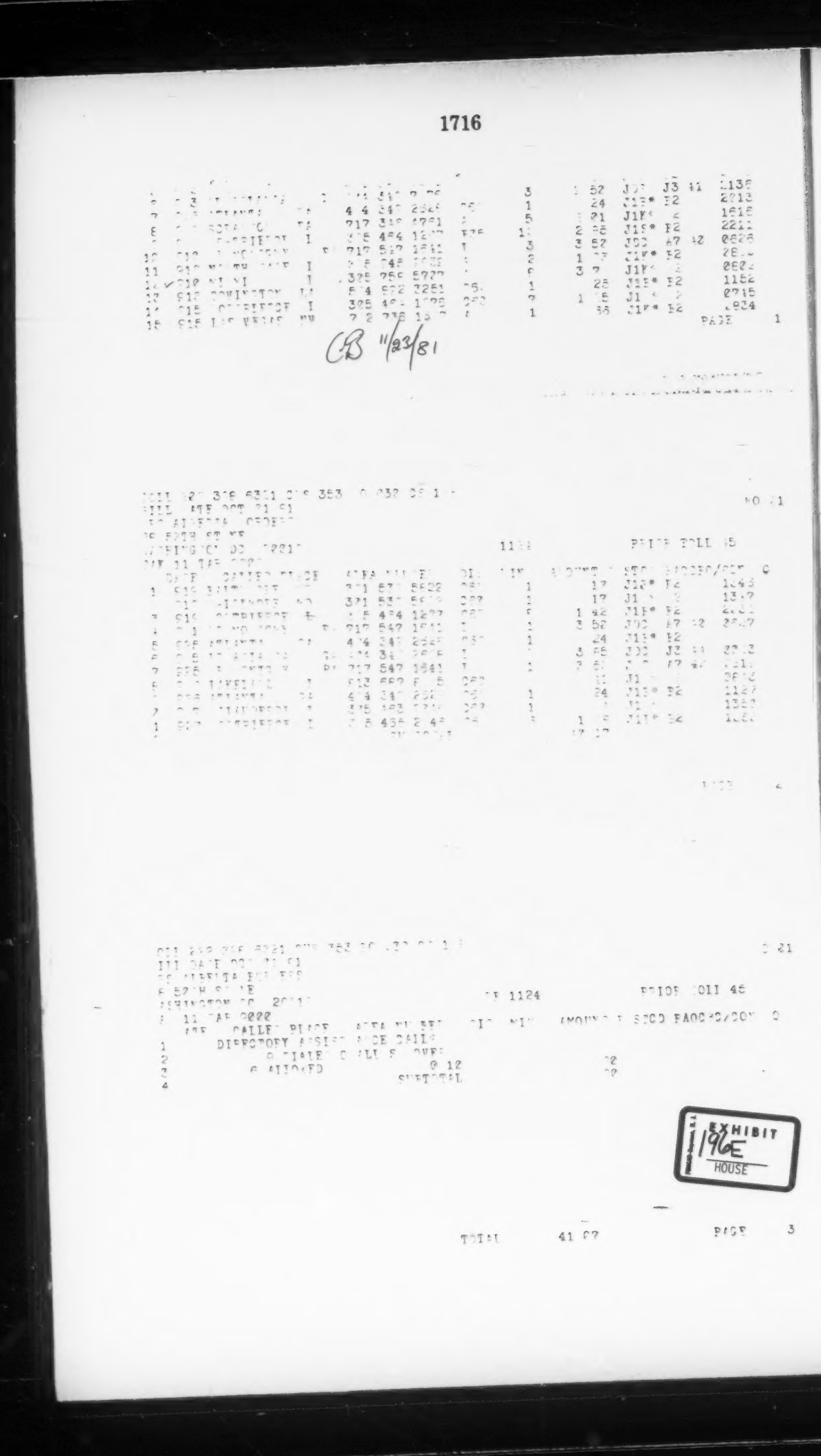
EXHIBIT
195h
HOUSE

Dana 1/17/89

ITEMIZED CALLS [illegible] PAGE 0747 B350-5011-002

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	S	ARMT
[illegible]						3	1.04	JK	42	8	8	01021
[illegible]						4	1.49	JK	06	8	8	01021
[illegible]						1	.44	JK	12	8	J	01021
[illegible]						1	.44	JK	30	8	J	01021
[illegible]						2	1.00	JK	24	8	J	01021

CB 11/23/81



CB 7/29/81

[illegible]

[illegible]

MAY 11 TAF 0822

[illegible]

[illegible]

[illegible]

To Bill
Date 4/7 Time 4 25

WHILE YOU WERE OUT

M Jaye Clements
of
Phone 225 1691
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	X
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AR AMPAD PRODUCT

To Dan
Date 4/7 Time 4 30

WHILE YOU WERE OUT

M Dan Myrick
of
Phone 727-3715
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AR AMPAD PRODUCT

United States Senate
EVIDENTIARY HEARINGS
from IC 8 HOUSE MANAGERS' EXHIBIT 197 000567

To Bill
Date 4/7 Time 4 30

WHILE YOU WERE OUT

M Ed Keating
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
If you are up
let Jaye
call him
tomorrow

Operator

EFFICIENCY® LINE NO. 4725 AR AMPAD PRODUCT

To Jim
Date 4/7 Time 4 32

WHILE YOU WERE OUT

M Jaye Clements
of
Phone 225 1691
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	X
RETURNED YOUR CALL			

Message

EXHIBIT 197 HOUSE

Operator

EFFICIENCY® LINE NO. 4725 AR AMPAD PRODUCT

United States District Court
Southern District of Florida
Federal Courthouse Square
301 N. Miami Avenue, Room 150
MIAMI, FLORIDA 33128-7788

Robert M. March
CLERK OF COURT

Telephone
305-536-7430
FTS 350-7430

CERTIFICATION

I, **ROBERT M. MARCH**, as Clerk of Court for the U. S. District Court, Southern District of Florida, located at 301 N. Miami Avenue, Miami, Florida 33128-7788, do hereby **certify** that the attached diagram, labeled **House Exhibit 200**, is:

(1) a true and correct copy of the original Third Floor plan of the U. S. District Courthouse, as it appeared in 1981; and I further **certify** that

(2) the section highlighted in yellow on the diagram corresponds to the area occupied by Judge Alcee L. Hastings' chambers at that time.

DATE: July 14, 1989

SIGNED: Robert M. March
ROBERT M. MARCH
Clerk of Court

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 200

EXHIBIT
200A
HOUSE

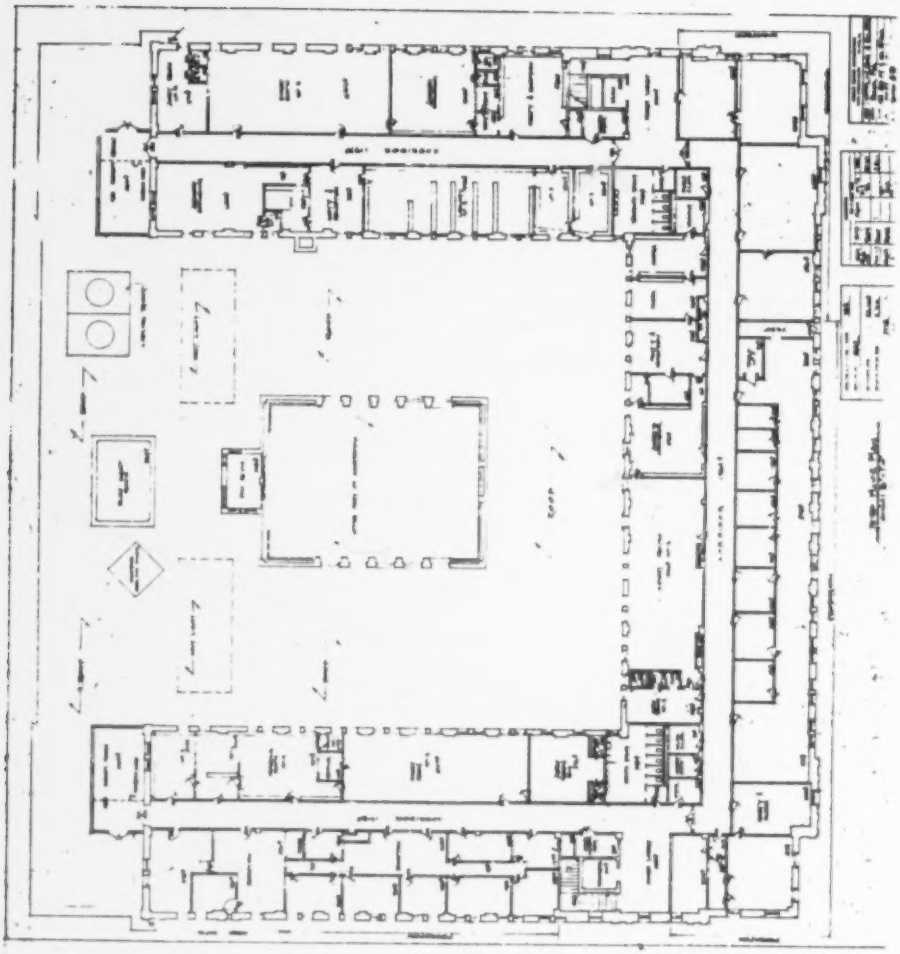


EXHIBIT
200
HOUSE

FD-302 (REV. 3-10-82)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/27/86

A drawing was made showing the location of Judge HASTINGS' chambers in April, 1981, in the United States Court house, 3rd floor, 300 Northeast 1st Avenue, Miami, Florida. Also shown was the location of telephone number 305-374-9650, a pay telephone, and the distances from that pay telephone to Judge HASTINGS' private entrance to his chambers.

The drawing is attached.

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 201

EXHIBIT
201
HOUSE

3/26/86 Miami, Florida MM 62A-7251

Investigation on At File #

SA WAYNE A. MC DONALD/crd

By

3/26/86

Date dictated

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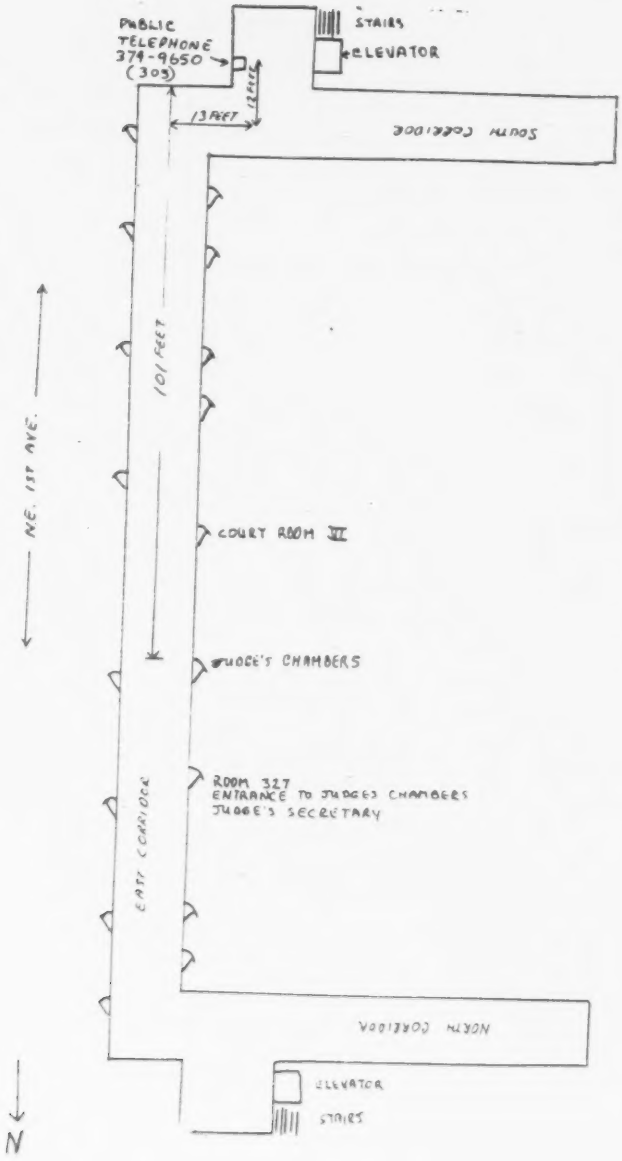

THIRD FLOOR - FLOOR PLAN

IC 2604 A

DAVID A. McDONALD
SPECIAL AGENT - FBI
MIAMI, FLORIDA
MARCH 20, 1986

1981 CALENDAR

	SUN	MON	TUE	WED	THU	FRI	SAT
JAN					1	2	3
	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	31
FEB	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
MAR	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30	31				
APR				1	2	3	4
	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	30		
MAY						1	2
	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
	17	18	19	20	21	22	23
	24	25	26	27	28	29	30
	31						
JUN		1	2	3	4	5	6
	7	8	9	10	11	12	13
	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	28	29	30				

	SUN	MON	TUE	WED	THU	FRI	SAT
JUL				1	2	3	4
	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	30	31	
AUG	2	3	4	5	6	7	1
	9	10	11	12	13	14	8
	16	17	18	19	20	21	15
	23	24	25	26	27	28	22
	30	31					29
SEP			1	2	3	4	5
	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
	20	21	22	23	24	25	26
	27	28	29	30			
OCT					1	2	3
	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	31
NOV	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30					
DEC			1	2	3	4	5
	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
	20	21	22	23	24	25	26
	27	28	29	30	31		

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 205

EXHIBIT
205
HOUSE

FACTS ABOUT UNITED STATES CURRENCY AND COINS

PAPER CURRENCY

There are three kinds of paper currency which can be quickly identified.

Silver Certificates*	Blue Seal and Numbers
United States Notes	Red Seal and Numbers
Federal Reserve Notes	Green Seal and Numbers

*On June 24, 1968 the Treasury Department stopped redeeming Silver Certificates in silver bullion or coin. Advance notice of this step resulted in a rush by holders of such certificates to convert them into silver before that date, thus practically removing them from circulation.

On Federal Reserve Notes the letter in the circle at left of the portrait indicates the location of the issuing bank:

A. Boston	E. Richmond	I. Minneapolis
B. New York	F. Atlanta	J. Kansas City
C. Philadelphia	G. Chicago	K. Dallas
D. Cleveland	H. St. Louis	L. San Francisco

On all three kinds, in each denomination, the portraits on the front and engravings on the back are the same.

Denomination	Portrait	Back
$ 1.00	Washington	Great Seal
2.00	Jefferson	Monticello
5.00	Lincoln	Lincoln Memorial
10.00	Hamilton	U. S. Treasury
20.00	Jackson	White House
50.00	Grant	U. S. Capitol
100.00	Franklin	Independence Hall
500.00	McKinley	Ornate "500"
1,000.00	Cleveland	Ornate "1000"
5,000.00	Chase	Ornate "5,000"
10,000.00	Wilson	Ornate "10,000"
100,000.00*	Wilson	Ornate "100,000"

*Used only in transactions between Federal Reserve Systems and Treasury Department

```
DIR  LLRL EC 999 TN 202 789 9100              SEC     DPA      PRTR      PG     1
  ORD C4521E64       CD 0E-07-81 CUS 929 UNIT 30500001          03-07-86 0E34A
  NSTA UNKN PUF NP   SP ESL,              PRI              FN         CPE N MW N
  MAIN              KS    0 RT 0050  TSCP     0
  OE  000-516-500 FXK 202 633 CS CPUB  SC PC9   VT       PTY   ERG N NSV N
  SWC             - 0-   SSN N HICI N HSEC N HDPA N TAS N TAC N
  LCD 0E-22-85 LCI  30412E76
  LN  UNITED STATES GOVERNMENT
  SA  361 CONSTITUTION AV N*W
  LCC /NEW FEDERAL COURT HOUSE 1ST FLR SEC B
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IC 2506

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 198

PENCAD-Bayonne, N. J.
HOUSE
EXHIBIT
198

CUSTOMER RECORD

AREA CO LINE CUST BRCH CLASS SVC DATE SVC RSTD BILL DATE BO BAO PAY POSTED
9 731-8176 138 OKLD IFR 11 03 75 05-26-81 25 180 05-29

PCS
HASTINGS, ALCEE L
2970 NW 55TH AVLCHL
LCC APT 1-B

---TFC
TC NO

---BILL
PO LAUDRHL FL 33313
TAR 024
SCD 30
CCH 1

---$a
1 IFR 1196
1 TTR 176
1 92HSA
1 TRLST 14[illegible]
/ER MITI

FORMER NUMBER 9-731-7394-138

BILLED LOCAL SERVICE 1510

LIV 1
2484CR
2484CR 141
1510 ST
181 FT 30
2970
2177

PAYMENTS & ADJ SINCE LAST BILL
DATE T AMOUNT DATE T AMOUNT

723 # 9
000000000 0618
37 26 3300000011[illegible]
EXYR $261593 OS 484356
0 B EX PR 5238060 TJ 30
01

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT	DMS	TKT-IDENT
	CHARGES FOR 731 8176								
429	FTLAUDERDL	FL	733 1697	2S	758	3	100	A8	70 8J[illegible]
	FR MIAMI	FL	305 491 9538						3056913519
430	FTLAUDERDL	FL	733 1697	2B	656	1	10[illegible]	A8	70 8J49656
	FR MIAMI	FL	305 374 9168						3053745168
505	BETHESDA	MD	301 897 5692	2S	1011	[illegible]	215	A9	53 6P32211
	FR NEWARK	NJ	201 430 9178						201430917[illegible]
506	WASHINGTON	DC	202 829 3450	2B	1207	2	195		10 6P36007
	FR MADISON	NJ	201 377 8466						2137784466
508	ORLANDO	FL	855 5033	AT	656	6	363	[illegible]8	[illegible] 3J21856
511	WASHINGTON	DC	202 398 6321	AN	627	1	21	9	0002 0627
511	WASHINGTON	DC	202 829 3450	AN	628	1	21	9	0010 0628
511	GAINESVL	FL	904 378 8234	AN	1103	1	24	8	0003 2303
512	GAINESVL	FL	904 378 8234	AC	711	[illegible]	311	[illegible]8	[illegible] 2J20711
513	MIAMI	FL	696 [illegible]250	AN	1235	2	21	8	0016 0035

P 1

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT	DMS	TKT-IDENT
	CHARGES FOR 731 8176								
513	BETHESDA	MD	202 897 5692	AN	1250	7	107	9	0070 0650
513	GAINESVL	FL	904 378 8234	AN	716	2	[illegible]0	8	0018 0716
514	BELLEGLADE	FL	996 0732	AN	652	3	[illegible]2	8	0030 0652
514	W PALM BCH	FL	659 [illegible]671	AN	1110	3	[illegible]2	8	0029 2310
514	W PALM BCH	FL	848 5820	AN	1113	7	9[illegible]	8	0061 2313
514	W PALM BCH	FL	845 6153	AN	1119	5	68	8	0050 2319
514	CINCINNATI	OH	513 931 8669	AN	1125	7	107	9	0064 2325
519	FTLAUDERDL	FL	733 1697	2B	1113	2	100	[illegible]8	[illegible] 5J[illegible]2313
	FR MIAMI	FL	305 673 9082						3056739682
520	MIAMI	FL	534 1911	AN	209	2	21	8	0012 0209
522	MIAMI	FL	350 [illegible]279	AD	917	1	31	8	0009 0917
523	TALLAHASSE	FL	904 385 6767	2B	[illegible]52	1	200	[illegible]8	30 3J21652
	FR N DADE	FL	305 [illegible]94 835[illegible]						3059[illegible]835[illegible]
525	BELLEGLADE	FL	996 0732	AD	1030	1	39	8	0006 1030

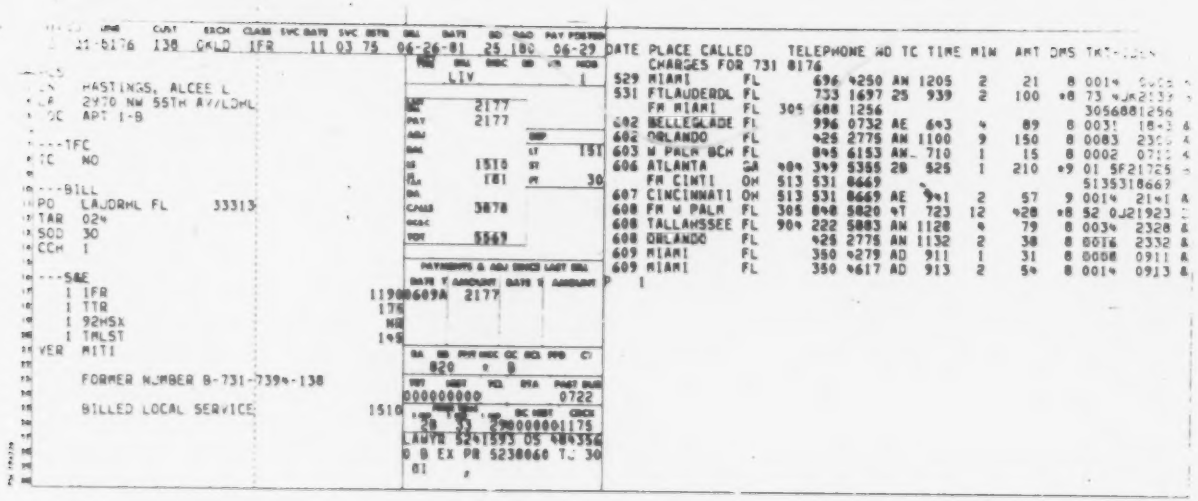
P 2

DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT	DMS	TKT-IDENT
	CHARGES FOR 731 8176								
525	GAINESVL	FL	904 373 [illegible]009	AE	862	6	17[illegible]	8	0059 2003
526	NORTH DADE	FL	9[illegible] 2532	AE	620	11	92	8	0010[illegible] 1820
526	MIAMI	FL	226 991[illegible]	AE	71[illegible]	6	9[illegible]	8	0052 191[illegible]
527	COLUMBIA	SC	803 256 [illegible]718	AE	5[illegible]2	3	81	9	0021 17[illegible]2
527	MIAMI	FL	696 [illegible]250	AE	62[illegible]	3	50	8	0030 182[illegible]
527	ORLANDO	FL	855 5033	AE	1057	1	37	8	0003 225[illegible]
527	W PALM BCH	FL	659 [illegible]671	AN	1118	9	121	8	0081 2318
P 3	EA TA 2912	LT	ST	FT			SC INCL TX 2970		
NCO:	INTER 532	INTRA	1865	TELE			LCC		INCL
CCIN	ORIGINATED:	INTER	215	INTRA	300				

EXHIBIT 210 HOUSE

IC 67

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS EXHIBIT 210



731 8176 138 CALD 1FR 11 03 75 06-26-81 25 180 06-29

HASTINGS, ALCEE L
2970 NW 55TH AVE LDML
APT 1-B

---1FC
NO

---BILL
PD LAUDRML FL 33313
TAR 024
SOD 30
CCH 1

---S&E
1 1FR 1190
1 TTR 176
1 92HSX NO
1 TMLST 149
VER MITI

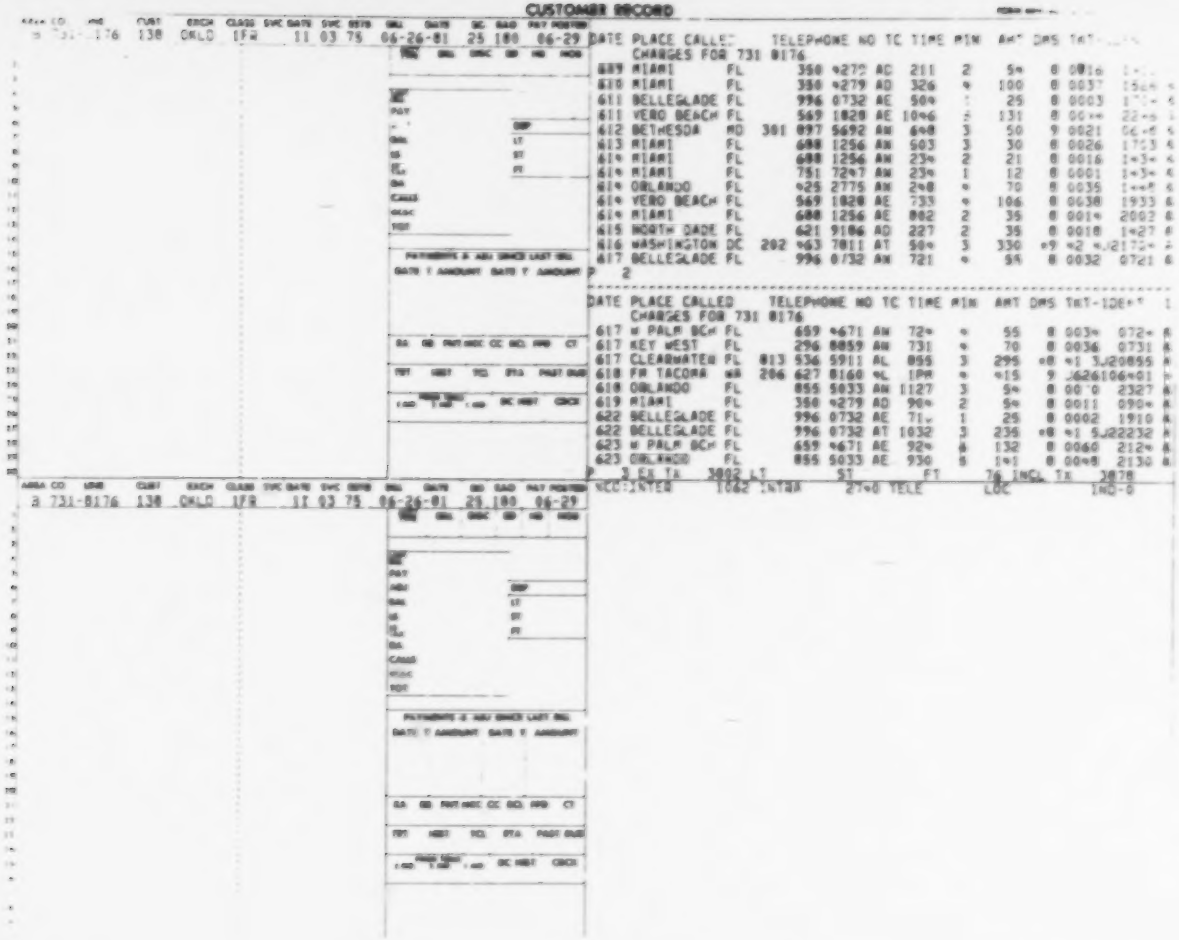
FORMER NUMBER 8-731-7394-138

BILLED LOCAL SERVICE 1510

LIV 1
2177
2177
151
1510
181 30
5567
609A 2177
820 0 0
000000000 0722
20 23 2900000001175
LAUYR 5241593 OS 4843560
0 0 EX PR 5230060 T 30
01

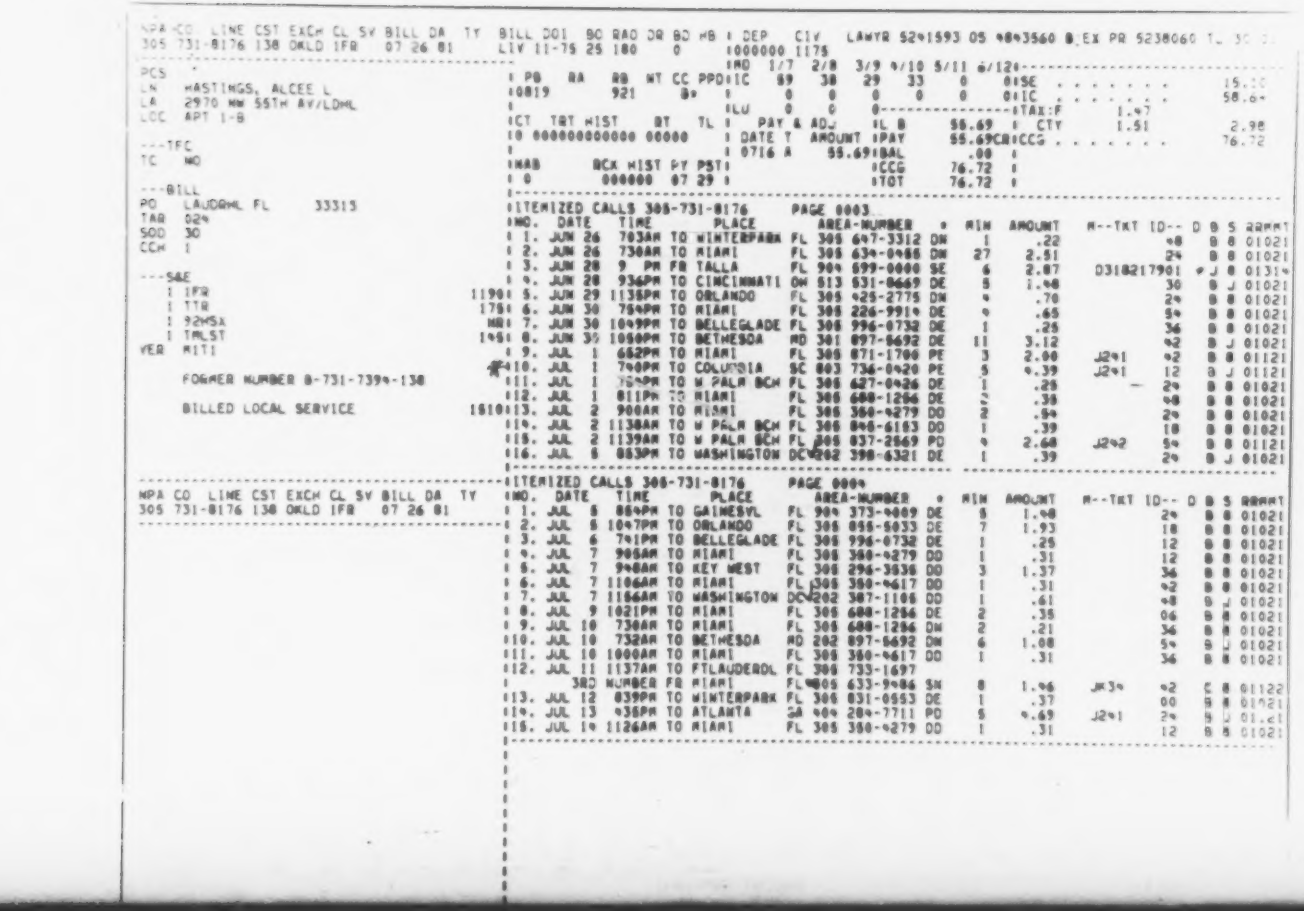
	DATE	PLACE CALLED		TELEPHONE NO	TC	TIME	MIN	AMT	DMS	TKT
		CHARGES FOR 731 8176								
529		MIAMI	FL	696 9250	AN	1205	2	21	8 0014	9458 S
531		FTLAUDERDL	FL	733 1697	25	939	2	100	*8 73 *JK2139	S
		FR MIAMI	FL	305 688 1256					3056881256	
602		BELLEGLADE	FL	996 0732	AE	603	*	89	8 0031 18+3	A
602		ORLANDO	FL	*25 2775	AN	1100	9	150	8 0083 2300	A
603		W PALM BCH	FL	845 6153	AN	710	1	15	8 0002 0711	A
606		ATLANTA	GA	*04 349 5365	28	525	1	210	*9 01 SF21725	S
		FR CINTI	OH	513 531 8669					5135318669	
607		CINCINNATI	OH	513 531 8669	AE	*41	2	57	9 0014 2141	A
608		FR W PALM	FL	305 848 5820	*T	723	12	*28	*8 52 0J21923	S
608		TALLAHSSEE	FL	904 222 5883	AN	1128	*	79	8 0034 2328	A
608		ORLANDO	FL	*25 2775	AN	1132	2	38	8 0016 2332	A
609		MIAMI	FL	350 *279	AD	911	1	31	8 0008 0911	A
609		MIAMI	FL	350 *617	AD	913	2	5*	8 0014 0913	A

1



CUSTOMER RECORD

| | | |



NPA-CO LINE CST EXCH CL SV BILL DA TY BILL DOI BC RAO DR BD HB ! DEP CIV LAWYR 5291593 05 4843560 B.EX PR 5238060 T. 30 0
305 731-8176 138 OKLD IFR 07 26 81 LIV 11-75 25 180 0 !000000 1175
!MO 1/7 2/8 3/9 4/10 5/11 6/12!

PCS
LN HASTINGS, ALCEE L
LA 2970 NW 55TH AV/LDHL
LOC APT 1-B

---TFC
TC NO

---BILL
PO LAUDHL FL 33313
TAR 024
SOD 30
CCH 1

---S&E
! IFR
! TTR
! 92HSA
! TRLST
YER MITI

FORMER NUMBER 8-731-7394-138

BILLED LOCAL SERVICE 1810

PB	RA	RB	WT	CC	PPD	IC	89	38	29	33	0	SE	15.10
0819		921		89			0	0	0	0	0	IC	58.64
						LU	0	0	0			TAX:F	1.47
CT	TRT HIST		BT	TL		PAY & ADJ						CTY	1.51
0	000000000000	00000				DATE T	AMOUNT						2.98
						0716 A	55.69						76.72

NAB	BCX	HIST	PY	PST									
0		000000	07	29									

PAY	55.69	CR	CCG										
BAL	.00												
CCG	76.72												
TOT	76.72												

ITEMIZED CALLS 305-731-8176 PAGE 0003

NO.	DATE	TIME	PLACE	AREA-NUMBER		MIN	AMOUNT	M--TXT	ID--	D	B	S	RRMT
1.	JUN 26	703AM	TO WINTERPARK	FL 305	647-3312	DN	1	.22			48	B	B 01021
2.	JUN 26	730AM	TO MIAMI	FL 305	634-0486	DN	27	2.51			24	B	B 01021
3.	JUN 28	9 PM	FR TALLA	FL 904	699-0000	SE	6	2.87	D318217901			J	B 01314
4.	JUN 28	936PM	TO CINCINNATI	OH 513	631-8669	DE	5	1.48			30	B	J 01021
5.	JUN 29	1136PM	TO ORLANDO	FL 305	425-2775	DN	4	.70			24	B	B 01021
6.	JUN 30	754PM	TO MIAMI	FL 305	226-9914	DE	4	.65			54	B	B 01021
7.	JUN 30	1049PM	TO BELLEGLADE	FL 305	996-6732	DE	1	.25			36	B	B 01021
8.	JUN 30	1050PM	TO BETHESDA	MD 301	897-8692	DE	11	3.12			42	B	J 01021
9.	JUL 1	652PM	TO MIAMI	FL 305	871-1700	PE	3	2.00	J241		42	B	B 01121
10.	JUL 1	740PM	TO COLUMBIA	SC 803	736-0420	PE	5	4.39	J241		12	B	J 01121
11.	JUL 1	754PM	TO W PALM BCH	FL 305	627-0426	DE	1	.25			24	B	B 01021
12.	JUL 1	811PM	TO MIAMI	FL 305	688-1286	DE	2	.35			48	B	B 01021
13.	JUL 2	900AM	TO MIAMI	FL 305	360-9279	DD	2	.94			24	B	B 01021
14.	JUL 2	1138AM	TO W PALM BCH	FL 305	848-6183	DD	1	.39			18	B	B 01021
15.	JUL 2	1139AM	TO W PALM BCH	FL 305	837-2569	PD	4	2.68	J242		54	B	B 01121
16.	JUL 6	853PM	TO WASHINGTON	DC 202	398-6321	DE	1	.39			24	B	J 01021

ITEMIZED CALLS 305-731-8176 PAGE 0004

NO.	DATE	TIME	PLACE	AREA-NUMBER		MIN	AMOUNT	M--TXT	ID--	D	B	S	RRMT
1.	JUL 6	849PM	TO GAINESVL	FL 904	373-4009	DE	6	1.48			24	B	B 01021
2.	JUL 6	1047PM	TO ORLANDO	FL 305	855-5033	DE	7	1.93			18	B	B 01021
3.	JUL 6	741PM	TO BELLEGLADE	FL 305	996-6732	DE	1	.25			12	B	B 01021
4.	JUL 7	908AM	TO MIAMI	FL 305	360-9279	DD	1	.31			12	B	B 01021
5.	JUL 7	948AM	TO KEY WEST	FL 305	296-3536	DD	3	1.37			36	B	B 01021
6.	JUL 7	1106AM	TO MIAMI	FL 305	360-9617	DD	1	.31			42	B	B 01021
7.	JUL 7	1156AM	TO WASHINGTON	DC 202	387-1106	DD	1	.61			48	B	J 01021
8.	JUL 9	1021PM	TO MIAMI	FL 305	688-1286	DE	2	.35			06	B	B 01021
9.	JUL 10	738AM	TO MIAMI	FL 305	688-1286	DN	2	.21			36	B	B 01021
10.	JUL 10	752AM	TO BETHESDA	MD 202	897-8692	DN	6	1.08			54	B	J 01021
11.	JUL 10	1000AM	TO MIAMI	FL 305	360-9617	DD	1	.31			36	B	B 01021
12.	JUL 11	1137AM	TO FTLAUDERDL	FL 305	733-1697								
		380	NUMBER FR MIAMI	FL 305	633-9086	SN	8	1.96	JK34		42	C	B 01122
13.	JUL 12	0339PM	TO WINTERPARK	FL 305	831-0553	DE	1	.37			00	B	B 01021
14.	JUL 13	936PM	TO ATLANTA	GA 404	284-7711	PD	5	4.69	J241		24	B	J 01121
15.	JUL 14	1126AM	TO MIAMI	FL 305	360-9279	DD	1	.31			12	B	B 01021

1728

NPA	CO	LINE	CST	EXCH	CL	SV	BILL	DA	TY
305	731-8176	138	OKLD	IFR			07	26	01

ITEMIZED CALLS 305-731-8176 PAGE 0005

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TXT	ID--	D	B	S	RRMMT
1.	JUL 14	1133AM	TO TALLAHSSEE	FL 904 222-6611	PD	10	6.20	J242	18		S	B	
2.	JUL 14	1026PM	TO W PALM BCH	FL 305 659-9671	DE	9	1.96		06		S	B	
3.	JUL 16	11 PM	FR TALLA	FL 904 599-0000	SN	6	2.50	D3201	121		J	B	
4.	JUL 16	656AM	TO WASHINGTON	DC 202 398-6321	DN	1	.20		18		S	B	
5.	JUL 16	837AM	TO MIAMI	FL 305 380-0279	DD	1	.31		12		B	B	01021
6.	JUL 16	1259PM	TO WASHINGTON	DC 202 726-0372	DD	2	1.03		54		B	J	01021
7.	JUL 16	215PM	TO MIAMI	FL 305 380-0279	DD	1	.31		30		B	B	01021
8.	JUL 16	1049PM	TO ORLANDO	FL 305 425-2775	DE	6	1.67		18		B	B	01021
9.	JUL 20	507PM	TO WASHINGTON	DC 202 463-7811	DE	3	.99		06		B	J	01021
10.	JUL 20	732PM	TO W PALM BCH	FL 305 845-6183	DE	1	.25		24		B	B	01021
11.	JUL 20	733PM	TO MIAMI	FL 305 688-1286	DE	3	.50		06		B	B	01021
12.	JUL 20	1108PM	TO WINTERPARK	FL 305 644-6632	DN	1	.22		12		B	B	01021
13.	JUL 21	507PM	TO BOCA RATON	FL 305 482-2000	DE	1	.17		18		B	B	01021
14.	JUL 21	543PM	TO ORLANDO	FL 305 425-2775	DE	6	1.15		42		B	B	01021
15.	JUL 23	1106PM	TO TALLAHASSE	FL 904 644-6632	DN	6	.79		30		B	B	01021
16.	JUL 24	934PM	TO MIAMI	FL 305 380-0863	DD	1	.31		42		B	B	01021

ITEMIZED CALLS 305-731-8176 PAGE 0006

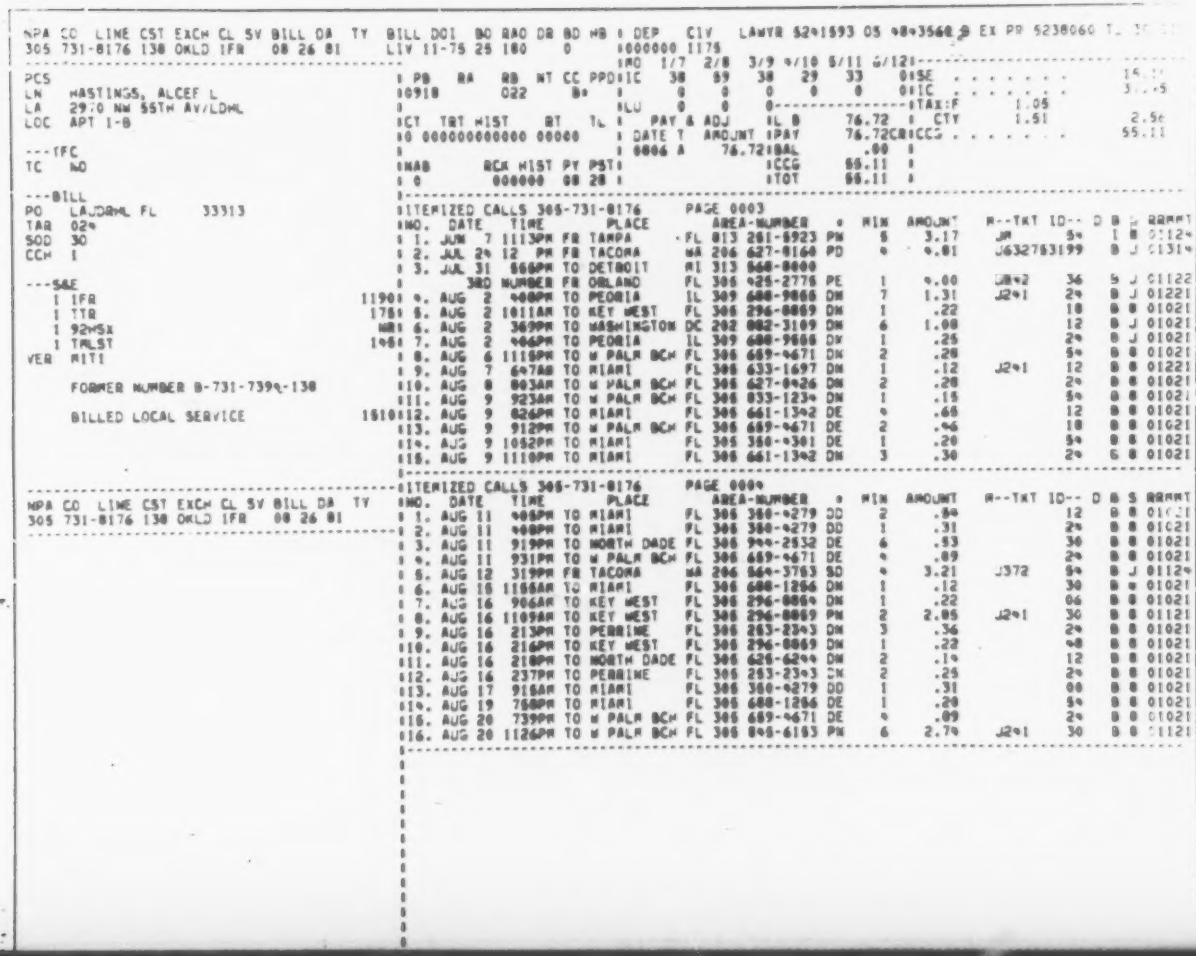
NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TXT	ID--	D	B	S	RRMMT
1.	JUL 24	602PM	TO MIAMI	FL 305 380-0863	DE	2	.35		18		B	B	01021
2.	JUL 25	916AM	TO W PALM BCH	FL 305 845-6183	DN	1	.15		06		B	B	01021
3.	JUL 25	920AM	TO MIAMI	FL 305 688-1286	DN	6	.58		24		B	B	01021
4.	JUL 25	934AM	TO HOMESTEAD	FL 305 245-0276	DN	2	.28		30		B	B	01021
5.	JUL 25	946AM	TO MIAMI	FL 305 226-9914	DN	9	.86		12		B	B	01021

KEY *-RATE APPLIED:

DD -DIAL DAY DE -DIAL EVENING
DN -DIAL NITE/WKEND SE -STATION EVENING
SN -STA NITE/WKEND PD -PERSON DAY
PE -PERSON EVENING

INTER 17.97 INTRA 33.00 TELE .00 TOT 50.64 IND-0

NPA CO LINE CST EXCH CL SV BILL DA TY
305 731-8176 138 OKLD IFR 07 26 01



NPA CO LINE CST EXCH CL SV BILL DA TY
305 731-8176 138 OKLD IFR 08 26 81

PCS
LN HASTINGS, ALCEF L
LA 2970 NW 55TH AV/LDML
LOC APT 1-B

---IFC
TC NO

---BILL
PO LAUDML FL 33313
TAR 02
SOD 30
CCH 1

---S&E
1 IFR 11908
1 TTR 1758
1 92WSX 188
1 TRLST 1468
VER MITI

FORMER NUMBER 8-731-7398-138

BILLED LOCAL SERVICE 1810

BILL DOI BD BAD DR BD MB
LIV 11-75 25 180 0

PB BA BB NT CC PPD
0918 022 B+

ICT TRT HIST BT TL
00 000000000000 00000

NAB RCK HIST PY PST
0 000000 08 28

DEP CIV LAWYR 5241593 05 0843560 EX PR 5238060
0000000 1175
MO 1/7 2/8 3/9 4/10 5/11 6/12
IC 38 59 38 29 33
LU 0 0 0 0 0

PAY & ADJ TL B 76.72
DATE T AMOUNT PAY 76.72CR
0006 A 76.72 BAL .00
CCG 66.11
TOT 66.11

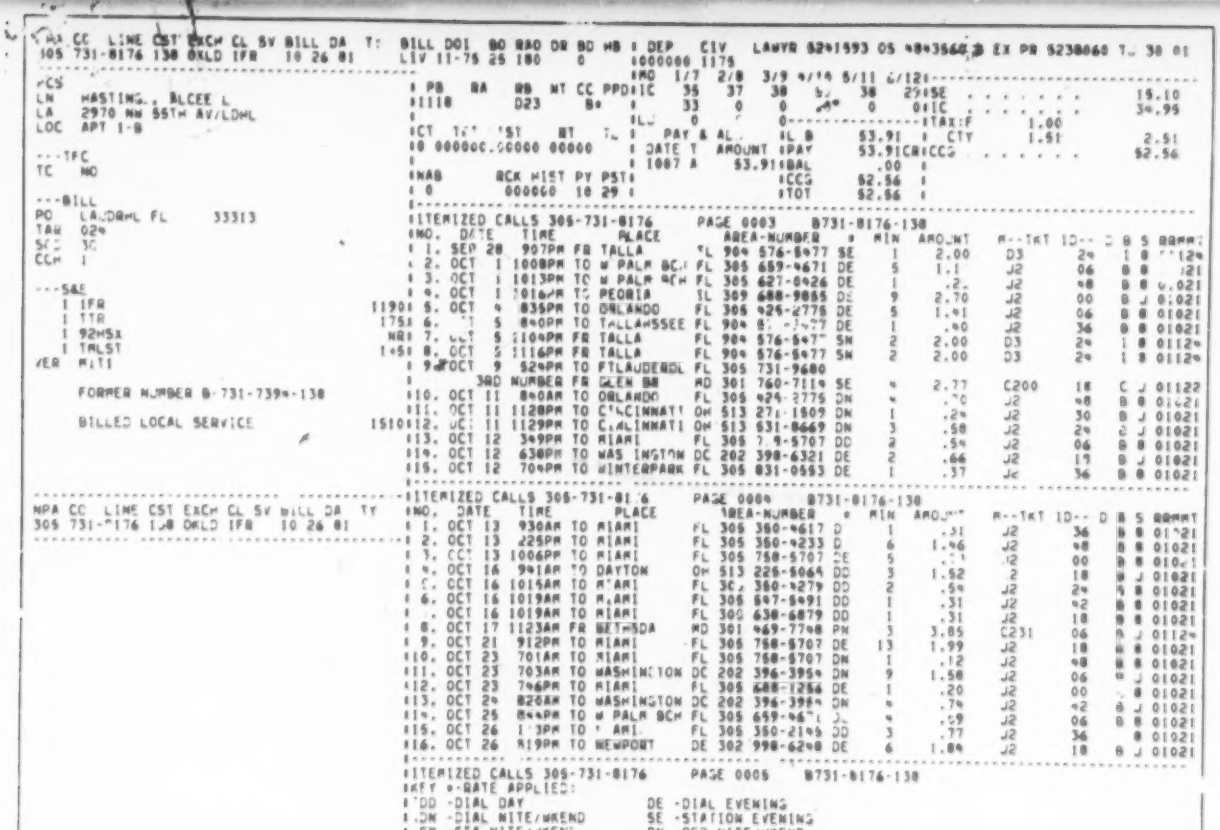
SE . . . . . 15.
IC . . . . . 3.
TAX:F 1.05
CTY 1.51
CCG 55.11

ITEMIZED CALLS 305-731-8176 PAGE 0003

NO.	DATE	TIME		PLACE		AREA-NUMBER		MIN	AMOUNT	M--TXT	ID--	D	B	S	RRMMT
1.	JUN 7	1113PM	FR	TAMPA	FL	813 261-6923	PN	5	3.17	JM	54	I	B	S	01124
2.	JUL 24	12 PM	FR	TACOMA	WA	206 627-8160	PD	0	0.01	J6327	83199	B	J	S	01314
3.	JUL 31	666PM	TO	DETROIT	MI	313 668-8000									
		380	NUMBER	FR ORLAND	FL	305 425-2776	PE	1	0.00	J8+2	36	S	J	S	01122
4.	AUG 2	408PM	TO	PEORIA	IL	309 688-9866	DN	7	1.31	J241	24	B	J	S	01221
5.	AUG 2	1011AM	TO	KEY WEST	FL	305 296-8869	DN	1	.22		18	B	B	S	01021
6.	AUG 2	369PM	TO	WASHINGTON	DC	202 882-3109	DN	6	1.08		12	B	J	S	01021
7.	AUG 2	406PM	TO	PEORIA	IL	309 688-9866	DN	1	.25		24	B	J	S	01021
8.	AUG 6	1118PM	TO	W PALM BCH	FL	305 689-4671	DN	2	.28		54	B	B	S	01021
9.	AUG 7	647AM	TO	MIAMI	FL	305 633-1697	DN	1	.12	J241	12	B	B	S	01221
10.	AUG 8	803AM	TO	W PALM BCH	FL	305 627-0426	DN	2	.28		24	B	B	S	01021
11.	AUG 9	923AM	TO	W PALM BCH	FL	305 833-1234	DN	1	.15		54	B	B	S	01021
12.	AUG 9	826PM	TO	MIAMI	FL	305 661-1342	DE	0	.68		12	B	B	S	01021
13.	AUG 9	912PM	TO	W PALM BCH	FL	305 689-4671	DE	2	.46		18	B	B	S	01021
14.	AUG 9	1052PM	TO	MIAMI	FL	305 360-4301	DE	1	.20		54	B	B	S	01021
15.	AUG 9	1110PM	TO	MIAMI	FL	305 661-1342	DN	3	.30		24	B	B	S	01021

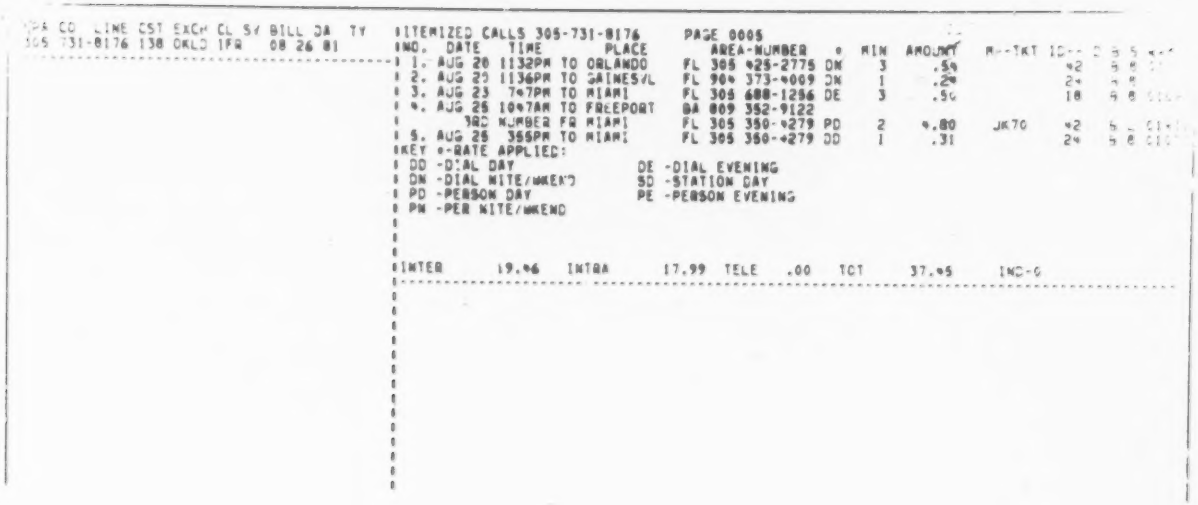
ITEMIZED CALLS 305-731-8176 PAGE 0004

NO.	DATE	TIME		PLACE		AREA-NUMBER		MIN	AMOUNT	M--TXT	ID--	D	B	S	RRMMT
1.	AUG 11	408PM	TO	MIAMI	FL	305 360-4279	DD	2	.84		12	B	B	S	01021
2.	AUG 11	408PM	TO	MIAMI	FL	305 360-4279	DD	1	.31		24	B	B	S	01021
3.	AUG 11	919PM	TO	NORTH DADE	FL	305 949-2532	DE	6	.53		36	B	B	S	01021
4.	AUG 11	931PM	TO	W PALM BCH	FL	305 689-4671	DE	0	.09		24	B	B	S	01021
5.	AUG 12	319PM	FR	TACOMA	WA	206 564-3763	SD	0	3.21	J372	54	B	J	S	01124
6.	AUG 15	1156AM	TO	MIAMI	FL	305 680-1266	DN	1	.12		30	B	B	S	01021
7.	AUG 16	906AM	TO	KEY WEST	FL	305 296-8869	DN	1	.22		06	B	B	S	01021
8.	AUG 16	1109AM	TO	KEY WEST	FL	305 296-8869	PN	2	2.05	J241	30	B	B	S	01121
9.	AUG 16	213PM	TO	PERRINE	FL	305 253-2343	DN	3	.36		24	B	B	S	01021
10.	AUG 16	216PM	TO	KEY WEST	FL	305 296-8869	DN	1	.22		48	B	B	S	01021
11.	AUG 16	218PM	TO	NORTH DADE	FL	305 626-6244	DN	2	.14		12	B	B	S	01021
12.	AUG 16	237PM	TO	PERRINE	FL	305 253-2343	DN	2	.25		24	B	B	S	01021
13.	AUG 17	916AM	TO	MIAMI	FL	305 360-4279	DD	1	.31		00	B	B	S	01021
14.	AUG 19	748PM	TO	MIAMI	FL	305 680-1266	DE	1	.20		54	B	B	S	01021
15.	AUG 20	739PM	TO	W PALM BCH	FL	305 689-4671	DE	0	.09		24	B	B	S	01021
16.	AUG 20	1126PM	TO	W PALM BCH	FL	305 848-6183	PN	6	2.74	J241	30	B	B	S	01121



NPA CC LINE CST EXCH CL SV BILL DA TY BILL DOI BO BAO DR BD WB | DEP CIV LAWYR 8241593 05 +843566 EX PR 8238060 T 30 01
305 731-8176 138 OKLD IFR 10 26 81 LIV 11-75 25 180 0 | 0000000 1179
MO 1/7 2/8 3/9 4/10 5/11 6/12
PCS
LN HASTING, ALCEE L
LA 2970 NW 55TH AV/LDML
LOC APT 1-B
---TFC
TC NO
---BILL
PO LA.DRML FL 33313
TAR 024
SCC 30
CCH 1
---S&E
1 IFR
1 TTR
1 92HSX
1 TALST
VER MLTI
FORMER NUMBER 8-731-7394-138
BILLED LOCAL SERVICE
PB BA BB NT CC PPD
1118 D23 B+
CT TAX TST BT TC
00 000000.00000 00000
NAB BCK HIST PY PST
0 000000 10 29
PAY & ALL BL B $3.91 | CTY 1.51 2.51
DATE T AMOUNT PAY $3.91 CR CCG 52.56
1007 A $3.91 BAL .00
CCG $2.56
TOT $2.56
ITEMIZED CALLS 305-731-8176 PAGE 0003 B731-8176-138
NO. DATE TIME PLACE AREA-NUMBER O MIN AMOUNT R--TKT ID-- D B S RRMT
1. SEP 28 907PM FR TALLA FL 904 576-5477 SE 1 2.00 D3 24 1 0 01124
2. OCT 1 1008PM TO W PALM BCH FL 305 659-4671 DE 5 1.1 J2 06 0 0 J21
3. OCT 1 1013PM TO W PALM BCH FL 305 627-0426 DE 1 .2 J2 48 0 0 0.021
4. OCT 1 1016PM TO PEORIA IL 309 688-9865 DE 9 2.70 J2 00 0 J 0:021
5. OCT 4 835PM TO ORLANDO FL 305 826-2775 DE 5 1.41 J2 06 0 0 01021
6. OCT 5 840PM TO TALLAHSSEE FL 904 [illegible] DE 1 .40 J2 36 0 0 01021
7. OCT 5 1104PM FR TALLA FL 904 576-5477 SN 2 2.00 D3 24 1 0 01124
8. OCT 5 1116PM FR TALLA FL 904 576-5477 SN 2 2.00 D3 24 1 0 01124
9. OCT 9 524PM TO FTLAUDERDL FL 305 731-9680
3RD NUMBER FR GLEN BR MD 301 760-7114 SE 4 2.77 C200 18 C J 01122
10. OCT 11 840AM TO ORLANDO FL 305 826-2775 DN 4 .70 J2 48 0 0 01021
11. OCT 11 1128PM TO CINCINNATI OH 513 271-1509 DN 1 .24 J2 30 0 J 01021
12. OCT 11 1129PM TO CINCINNATI OH 513 631-8669 DN 3 .58 J2 24 0 J 01021
13. OCT 12 349PM TO MIAMI FL 305 [illegible]-5707 DD 2 .54 J2 06 0 0 01021
14. OCT 12 630PM TO WASHINGTON DC 202 398-6321 DE 2 .64 J2 18 0 J 01021
15. OCT 12 704PM TO WINTERPARK FL 305 831-0553 DE 1 .37 J2 36 0 0 01021
ITEMIZED CALLS 305-731-8176 PAGE 0004 B731-8176-138
NO. DATE TIME PLACE AREA-NUMBER O MIN AMOUNT R--TKT ID-- D B S RRMT
1. OCT 13 930AM TO MIAMI FL 305 360-4617 D 1 .31 J2 36 0 0 01021
2. OCT 13 225PM TO MIAMI FL 305 350-4233 D 6 1.46 J2 48 0 0 01021
3. OCT 13 1006PM TO MIAMI FL 305 758-5707 DE 5 .91 J2 00 0 0 010.1
4. OCT 16 901AM TO DAYTON OH 513 226-5064 DD 3 1.52 2 18 0 J 01021
5. OCT 16 1015AM TO MIAMI FL 305 360-4279 DD 2 .54 J2 24 0 0 01021
6. OCT 16 1019AM TO MIAMI FL 305 647-4491 DD 1 .31 J2 42 0 0 01021
7. OCT 16 1019AM TO MIAMI FL 305 630-6879 DD 1 .31 J2 18 0 0 01021
8. OCT 17 1123AM FR BETHSDA MD 301 469-7748 PN 3 3.85 C231 06 0 J 01124
9. OCT 21 912PM TO MIAMI FL 305 758-5707 DE 13 1.99 J2 18 0 0 01021
10. OCT 23 701AM TO MIAMI FL 305 758-5707 DN 1 .12 J2 48 0 0 01021
11. OCT 23 703AM TO WASHINGTON DC 202 396-3954 DN 9 1.58 J2 06 0 J 01021
12. OCT 23 746PM TO MIAMI FL 305 688-1256 DE 1 .20 J2 00 0 0 01021
13. OCT 24 826AM TO WASHINGTON DC 202 396-3954 DN 4 .74 J2 42 0 J 01021
14. OCT 25 844PM TO W PALM BCH FL 305 659-4671 DE 4 .59 J2 06 0 0 01021
15. OCT 26 1:3PM TO T AMI FL 305 350-2146 DD 3 .77 J2 36 0 0 01021
16. OCT 26 919PM TO NEWPORT DE 302 998-6248 DE 6 1.84 J2 18 0 J 01021
ITEMIZED CALLS 305-731-8176 PAGE 0005 B731-8176-138
RFF O-RATE APPLIED:
DD -DIAL DAY DE -DIAL EVENING
DN -DIAL NITE/WKEND SE -STATION EVENING
SN -STA NITE/WKEND PN -PER NITE/WKEND
INTER 13.71 INTRA 18.47 TOLL .00 TOT 34.98 INC 0
COIN OR DINATED: INTER 2.77 INTRA .00

1731



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SPA CO  LINE CST EXCH CL SV BILL DA  TY
305 731-8176 138 OKLD IFR   08 26 81

ITEMIZED CALLS 305-731-8176      PAGE 0005
NO.  DATE   TIME      PLACE        AREA-NUMBER    o  MIN  AMOUNT   AU-TKT ID-- D S S ***
 1. AUG 20 1132PM TO ORLANDO     FL 305 *25-2775 DN    3    .5*                *2  5 8 01
 2. AUG 20 1136PM TO GAINES/L    FL 904 373-*009 DN    1    .2*                2*  5 8 01
 3. AUG 23  7*7PM TO MIAMI       FL 305 688-1286 DE    3    .5*                10  5 8 01
 *. AUG 26 10*7AM TO FREEPORT    BA 809 352-9122
      18C NUMBER FR MIAMI        FL 305 350-*279 PD    2   *.80   JK7O        *2  5 - 01
 5. AUG 26  3*6PM TO MIAMI       FL 305 350-*279 DD    1    .31                2*  5 8 01
KEY o-RATE APPLIED:
 DD -DIAL DAY                    DE -DIAL EVENING
 DN -DIAL NITE/WKEND             SD -STATION DAY
 PD -PERSON DAY                  PE -PERSON EVENING
 PN -PER NITE/WKEND

INTER      19.*6   INTRA      17.99  TELE   .00   TOT     37.*5     INC-O
```

To [illegible]
Date 4/27 Time 2:35

WHILE YOU WERE OUT

M Robert Lamp
of
Phone 772 9228
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Is appointment still on today

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible]
Date 4/27 Time 2:30

WHILE YOU WERE OUT

M Alice C. Hastings
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

United States Senate
EVIDENTIARY HEARINGS
IMPEACHMENT MANAGERS EXHIBIT 212 000488

from
IC 7

To [illegible]
Date 4/27 Time 2:25

WHILE YOU WERE OUT

M Ben Sachs
of Lewitz Kalkar
Phone 223 8609
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible]
Date 4/27 Time 2:20

WHILE YOU WERE OUT

M Tisha Ca
of
Phone 727 9240
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

EXHIBIT
212
HOUSE

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible]
Date 4/13/15 Time 12:55
WHILE YOU WERE OUT
M Lee Wiginton
of
Phone
Area Code Number Extension

TELEPHONED	✓	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	✓
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message Will be appointed

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible]
Date Time
WHILE YOU WERE OUT
M Al C. Lastings
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message

At home at 6:30
only time now will
be at home

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 213

from IC 7

000511

To
Date Time
WHILE YOU WERE OUT
M
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible]
Date 4/20/15 Time 11:45
WHILE YOU WERE OUT
M Harold Levinson
of @ John Carter + Assoc
Phone
Area Code Number Extension

TELEPHONED	✓	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

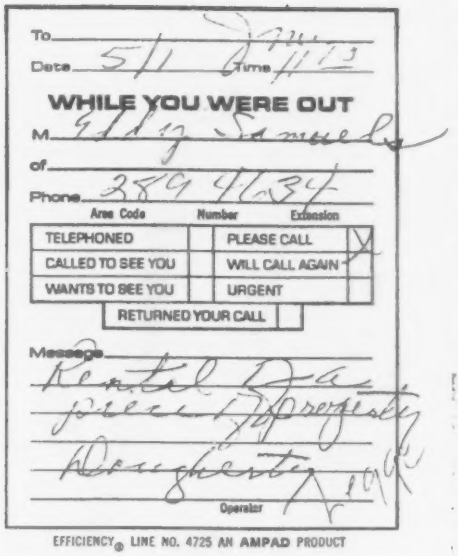
RETURNED YOUR CALL

Message Have good news

EXHIBIT 213 HOUSE

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To [illegible]
Date 5/1 Time 11:12

WHILE YOU WERE OUT

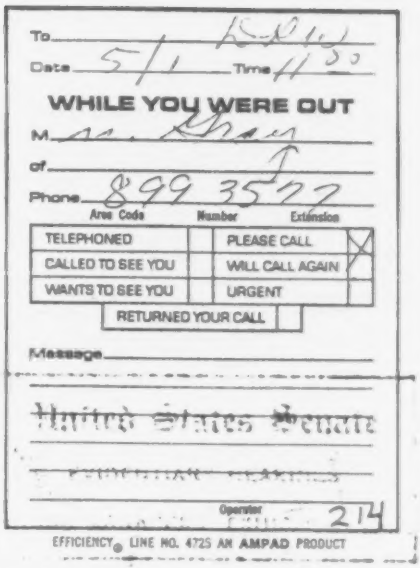
M. Eddy Samuels
of
Phone 389 4634
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Rental Dates
for Property
Assignment 1042

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To [illegible]
Date 5/1 Time 11:50

WHILE YOU WERE OUT

M. M. Shaw
of
Phone 899 3577
Area Code Number Extension

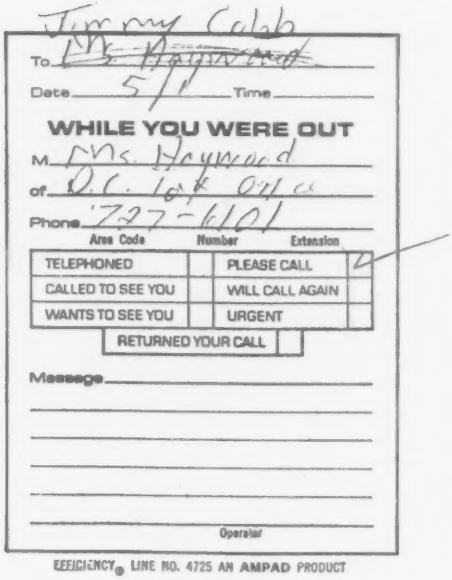
TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
~~United States Senate~~

Operator 214

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000520



Jimmy Caleb
To ~~Ms. Haywood~~
Date 5/1 Time

WHILE YOU WERE OUT

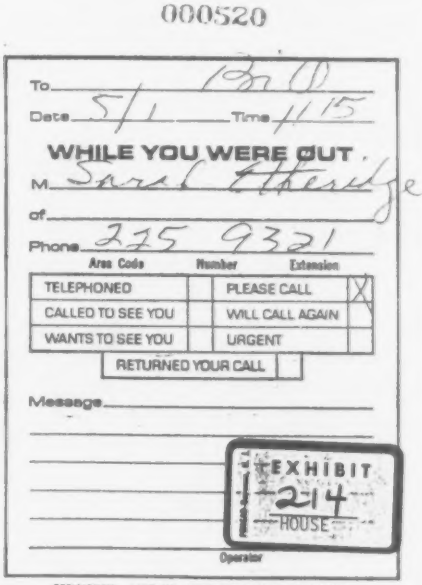
M. Ms. Haywood
of D.C. Lot Office
Phone 727-6101
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To Bro O
Date 5/1 Time 11:15

WHILE YOU WERE OUT

M. Sara Etheridge
of
Phone 225 9321
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

EXHIBIT
I-214
HOUSE

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Dudley
Date Time

WHILE YOU WERE OUT

M. Mary Smith
of
Phone
Area Code Number Extension

TELEPHONED	✓	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Dudley
Date Time

WHILE YOU WERE OUT

M. Janice Byrd
of
Phone 833-4952
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

from
IC 7

000521

To Pitt
Date Time

WHILE YOU WERE OUT

M. Sharon Southern
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To WAB
Date Time

WHILE YOU WERE OUT

M. A1 C Hawkins
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 5/1 Time 2:00

WHILE YOU WERE OUT

M. Carolyn McElveen
of
Phone 471 1062
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 5/1 Time 1:45

WHILE YOU WERE OUT

M. Allan Strasse
of
Phone 924 6139
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Sharon Southern was to turn herself in today & she has not shown - The Police are going to arrest her
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000523

To Jon
Date 5/1 Time 2:30

WHILE YOU WERE OUT

M. Jeff Fry
of Nashville Grotto
Phone 820 8550 Cap.
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Jim Brown
Please call on Monday
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 5/1 Time 2:10

WHILE YOU WERE OUT

M. Jim Brown
of Parks Clark
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Please leave package with me - They were here this morning
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To DAN
Date 4/5 Time 11:12

WHILE YOU WERE OUT

M. Swindler
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Wants to settle about Thurs. about 12:30

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Peter
Date 4/5 Time 11:--

WHILE YOU WERE OUT

M. Fisher
of 547-6418 Rm
Phone 325-8658 Rm
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message 325 8654
Wants to set date of case - Pass fee

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000540

To DEA
Date 4/5 Time 11:15

WHILE YOU WERE OUT

M. Uphoff
of
Phone 537-5123
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/5 Time 11:05

WHILE YOU WERE OUT

M. Richard Hauser
of
Phone 456 6611
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 215

EXHIBIT 215 HOUSE

To Jim
Date 4/5 Time 12 30

WHILE YOU WERE OUT

M. Frank Kent
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/5 Time 11 15

WHILE YOU WERE OUT

M. Judge Flemm
of
Phone 316 686 4990
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000541

To Bob
Date 4/5 Time 12 15

WHILE YOU WERE OUT

M. Darryl Miles
of
Phone 889 4335
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 4/5 Time 12 15

WHILE YOU WERE OUT

M. Mary Williford
of
Phone 457 6806
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/5 Time 12:35

WHILE YOU WERE OUT

M. Stu Harrison
of Dries Nortya
Phone 234 1699
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

1350

Message Friday
Diages at Rte 2
612 Chain Bridge Rd.

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/5 Time 12:35

WHILE YOU WERE OUT

M. Al Howard
of
Phone home
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message after 5
Important

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000542

To DKW
Date 4/5 Time 1:10

WHILE YOU WERE OUT

M. S. Robinson
of
Phone 882 7562
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/5 Time 1:20

WHILE YOU WERE OUT

M. Wolford
of 892-3638
Phone 891 3856
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jane
Date 4/5 Time 3:10

WHILE YOU WERE OUT

M. Clarence Hauze
of Law Offices
Phone 622-2137
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message (He asked for Raymond Standard Federal Invest. Co.

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To L Wu
Date 4/5 Time 1:15

WHILE YOU WERE OUT

M. Marsha
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

000543

To Brad
Date 4/5 Time 3:20

WHILE YOU WERE OUT

M. Herald Taylor
of
Phone 265 5421
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message stopped by Sentencing on the 7th

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Jane
Date 4/5 Time 3:25

WHILE YOU WERE OUT

M. Sy Jones
of Dole Fed.
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Jim
Date 4/5 Time 4:00
WHILE YOU WERE OUT
M Sharon Scott
of
Phone 678 485-4
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Jim
Date 4/5 Time 3:30
WHILE YOU WERE OUT
M Ken Reed
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

000544

To Bill
Date 4/5 Time 1:00
WHILE YOU WERE OUT
M M. Isaacs
of
Phone 736-0032
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
New case
Fred Wortham
referred
Operator
EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Jim
Date 4/5 Time 3:45
WHILE YOU WERE OUT
M Applegate
of
Phone 45 5605
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To [illegible]
Date 4/5 Time
WHILE YOU WERE OUT
M. Sandy
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible]
Date 4/5 Time 4:25
WHILE YOU WERE OUT
M. Chuck Goldwater
of St. Charles Hotel
Phone 332-2226
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000545

To
Date 5/4 Time
WHILE YOU WERE OUT
M. [illegible]
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

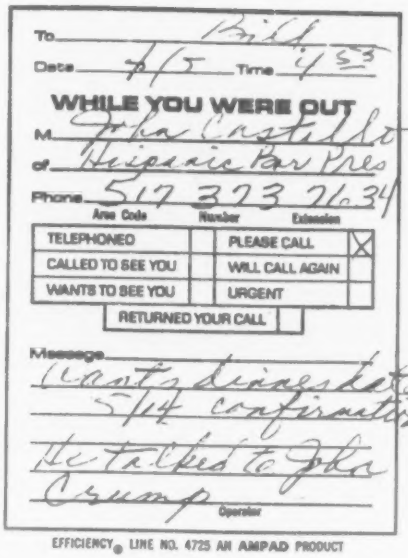
000546

To [illegible]
Date 4/5 Time 4:30
WHILE YOU WERE OUT
M. DeRu Mills
of
Phone 7973400
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To Bill
Date 4/5 Time 4:53

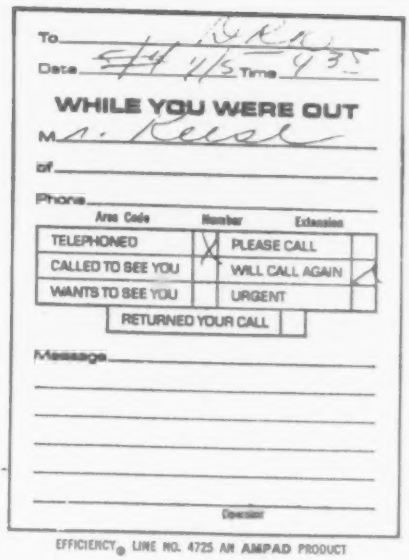
WHILE YOU WERE OUT

M. John Castellot
of Hispanic Bar Pres
Phone 517 373 7634
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Castellot's assistant
5/4 confirmation
He talked to John
Crump
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To Ryan
Date 5/4 4/5 Time 4:35

WHILE YOU WERE OUT

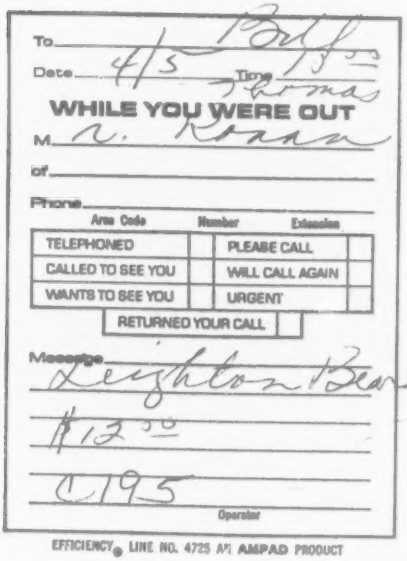
M. Ms. Reisel
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000547



To Bill
Date 4/5 Time 1:55
Thomas

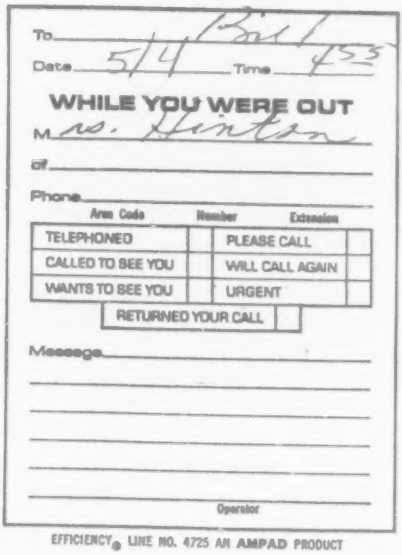
WHILE YOU WERE OUT

M. M. Roan
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Leighton Beard
#13.50
C195
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To Bill
Date 5/4 Time 4:53

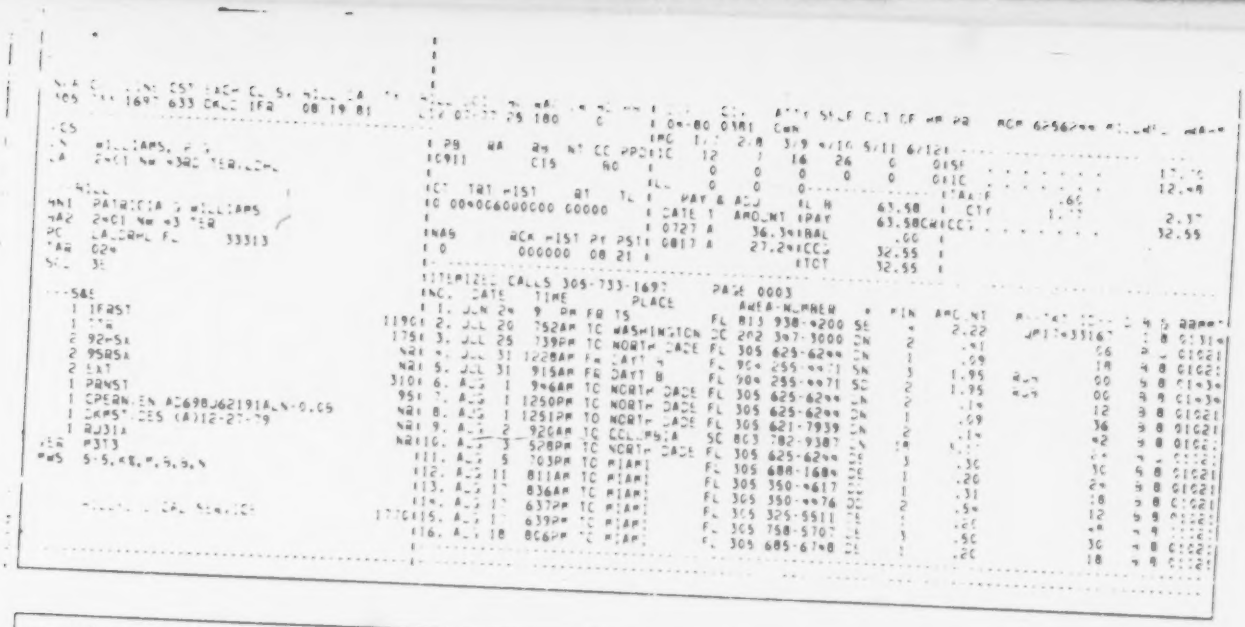
WHILE YOU WERE OUT

M. Ms. Hinton
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



NPA CC LINE CST EACH CL SY BILL DA TY
305 733-1697 633 ORLD IFR 08 19 81

ITEMIZED CALLS 305-733-1697 PAGE 0004
INC. DATE TIME PLACE AREA-NUMBER * PIN AMOUNT
1. AUG 18 8:57P TO NORTH DADE FL 305 621-0001 DS 1 .10
KEY O-RATE APPLIED:
D -DIAL DAY E -DIAL EVENING
N -DIAL NITE/WKEND S -STATION DAY
V -STATION EVENING SN -STA NITE/WKEND
MONTH 5.51 INTRA 8.97 TAX .00 TOT 12.48 INV:0

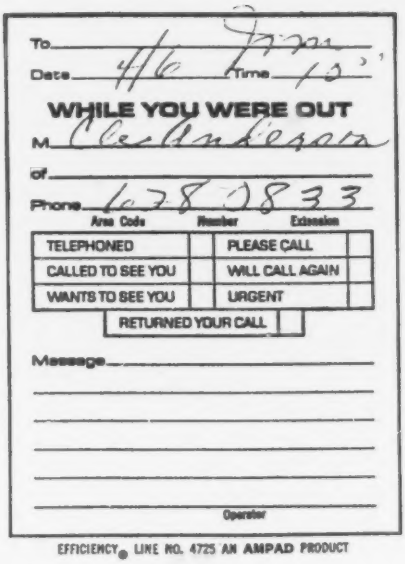
EVIDENTIARY HEARING
HOUSE MANAGERS' EXHIBIT 211

EXHIBIT 211 HOUSE

DEFENDANT'S EXHIBIT 52

IC70

1733

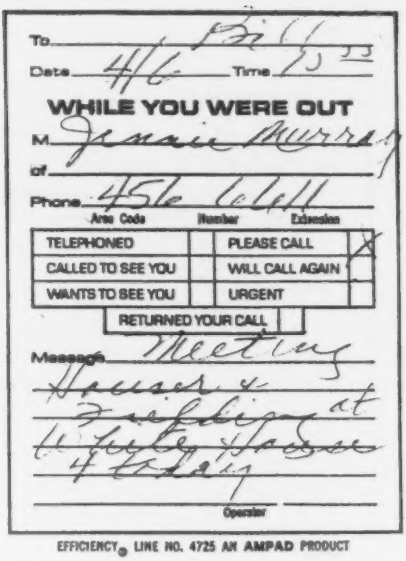


To Jim
Date 4/6 Time 10:
WHILE YOU WERE OUT
M Charlene Lesara
of
Phone 628 0833
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



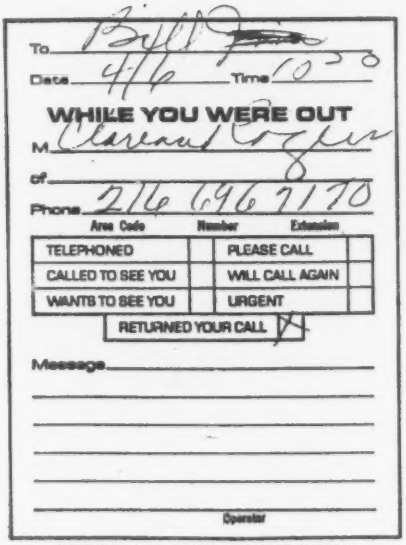
To Bill
Date 4/6 Time 10 22
WHILE YOU WERE OUT
M Jeanie Murray
of
Phone 456 6611
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Meeting
House &
Building at
Lake Hodges
4 today
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000548

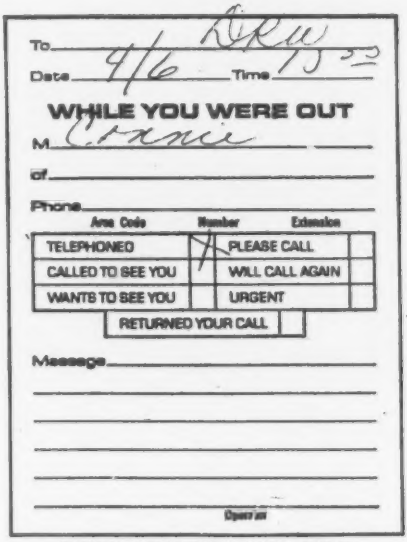


To Bill
Date 4/6 Time 10:30
WHILE YOU WERE OUT
M Clarence Cooper
of
Phone 214 646 7170
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL	X		

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To KRW
Date 4/6 Time 10 22
WHILE YOU WERE OUT
M Connie
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 4/6 Time 13 39

WHILE YOU WERE OUT

M. L. Glass
of
Phone 546-4841
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 4/6 Time 13 52

WHILE YOU WERE OUT

M. Frank Kent
of
Phone 862 5833
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000549

To Bill
Date 4/6 Time 13:30

WHILE YOU WERE OUT

M. Laura Martin
of Kemp Fit
Phone 659 4330
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Tomorrow at 10:00
2550 M St NW
4th Fl.
Silverman

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 4/6 Time 13 30

WHILE YOU WERE OUT

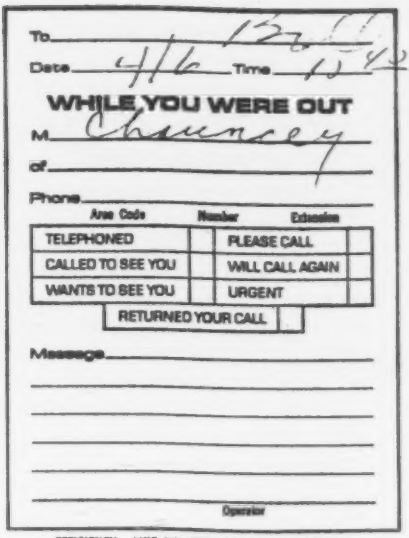
M. S. Duncan
of Bernard Jaz
Phone 588-7700
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

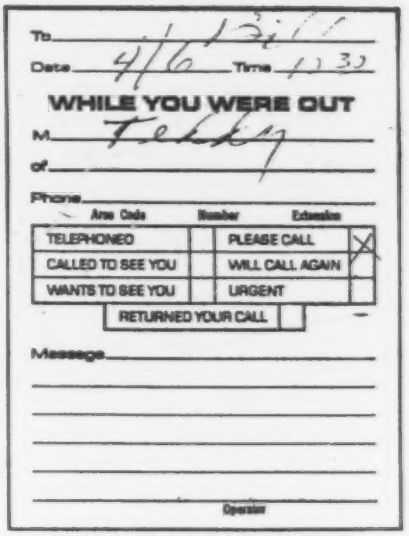
Message
Renewal

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

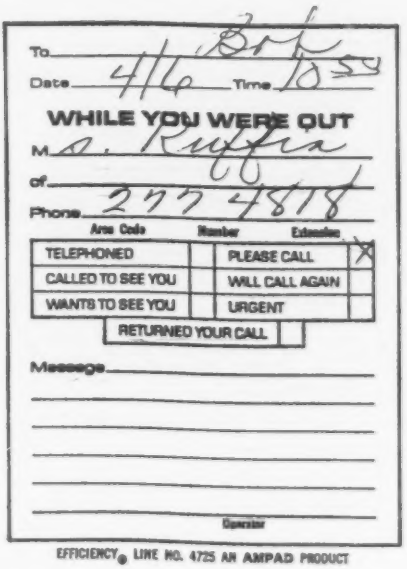


To Bill
Date 4/6 Time 12:42
WHILE YOU WERE OUT
M. Chauncey
of
Phone
Area Code Number Extension
TELEPHONED | PLEASE CALL
CALLED TO SEE YOU | WILL CALL AGAIN
WANTS TO SEE YOU | URGENT
RETURNED YOUR CALL
Message
Operator
EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

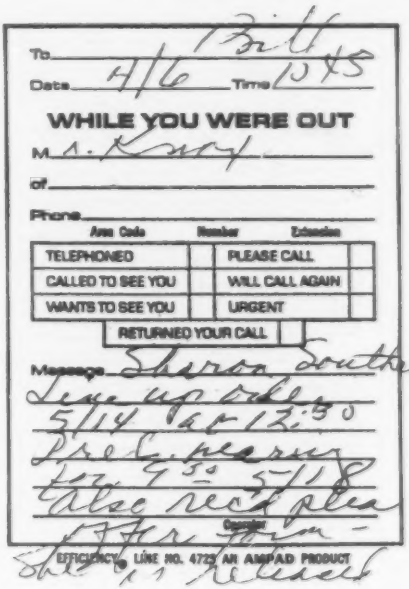


To Bill
Date 4/6 Time 12:32
WHILE YOU WERE OUT
M. Tekby
of
Phone
Area Code Number Extension
TELEPHONED | PLEASE CALL X
CALLED TO SEE YOU | WILL CALL AGAIN
WANTS TO SEE YOU | URGENT
RETURNED YOUR CALL
Message
Operator
EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

000550



To Bill
Date 4/6 Time 10:50
WHILE YOU WERE OUT
M. S. Ruffin
of
Phone 277 4818
Area Code Number Extension
TELEPHONED | PLEASE CALL X
CALLED TO SEE YOU | WILL CALL AGAIN
WANTS TO SEE YOU | URGENT
RETURNED YOUR CALL
Message
Operator
EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT



To Bill
Date 4/6 Time 1345
WHILE YOU WERE OUT
M. S. Knox
of
Phone
Area Code Number Extension
TELEPHONED | PLEASE CALL
CALLED TO SEE YOU | WILL CALL AGAIN
WANTS TO SEE YOU | URGENT
RETURNED YOUR CALL
Message Sharon Southern
Line up date
5/14 at 12:30
Pre-trial
5/5 - 5/18
Take next plea
after him -
Operator
EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT
Sheet 11 Released

To [illegible]
Date 4/6 Time 11 35

WHILE YOU WERE OUT

M. Frances

of

Phone

Area Code	Number	Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
was here
& waited
will come back

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Jim
Date 4/6 Time

WHILE YOU WERE OUT

M. Mr. Barnes

of

Phone

Area Code	Number	Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

000551

To Jim
Date 4/6 Time

WHILE YOU WERE OUT

M. Ed Gerber

of

Phone

Area Code	Number	Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
1323 Downing St. NE.
Apt 2 first floor
Requests Christine
Johnson

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Jim
Date 4/6 Time

WHILE YOU WERE OUT

M. Sandy

of

Phone

Area Code	Number	Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
5,843.02
1,681.10
Bal. 52597.72

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Criss
Date 4/6 Time 11 45

WHILE YOU WERE OUT

M Lucy Bryant
of
Phone 889-7508
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
New Client
Referred by
Hattie Lowdermilk

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

To Criss
Date 4/6 Time 11 45

WHILE YOU WERE OUT

M Leon Hatton
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Divorce 4/25/52
Dj fathers
Case #4490-51

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

000553

Kenneth Reed 000552

To
Date 4/6 Time

WHILE YOU WERE OUT

M
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

To Jane
Date 4/6 Time 11 50

WHILE YOU WERE OUT

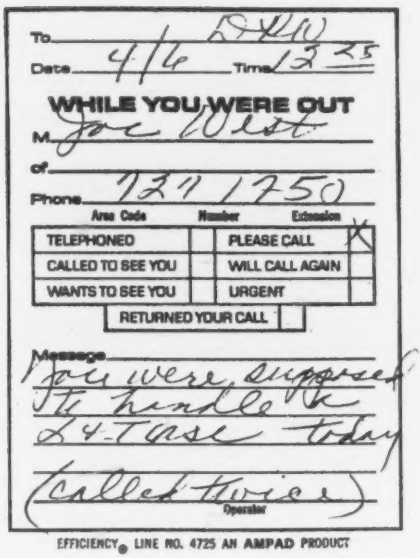
M Bobby Thomas
of
Phone 829 5210
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Jake

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

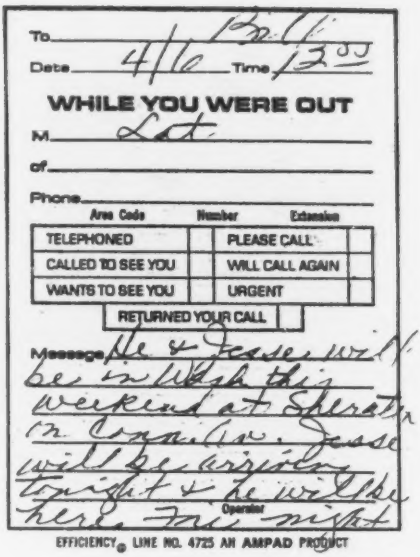


To DHO
Date 4/6 Time 12 25
WHILE YOU WERE OUT
M. Joe West
of
Phone 727 1750
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
You were supposed
To handle the
L-T case today
(called twice)
Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT



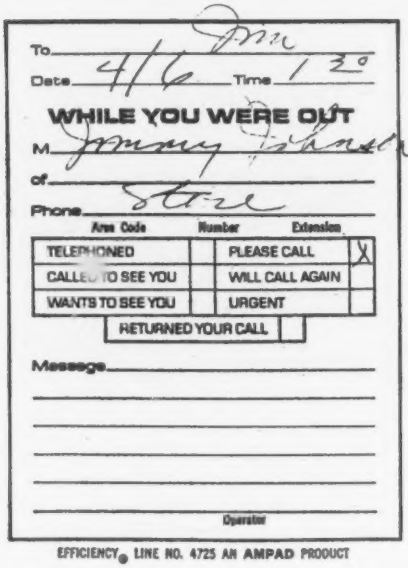
To Bx 11
Date 4/6 Time 12 00
WHILE YOU WERE OUT
M. Lot
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message He & Jesse will
be in Wash this
weekend at Sheraton
in Conn. Ave. Jesse
will be arriving
tonight & he will be
here. Mr might
Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

000554

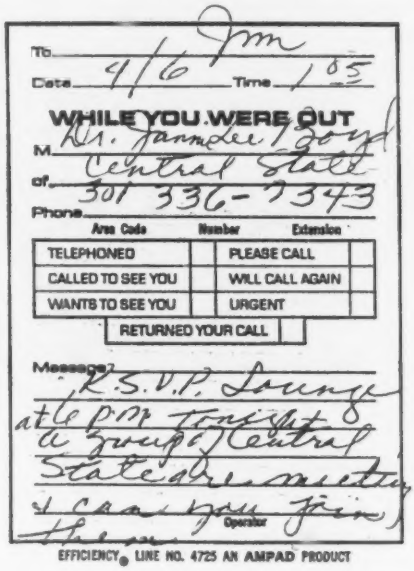


To JM
Date 4/6 Time 1 30
WHILE YOU WERE OUT
M. Jimmy Thanos
of Store
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT



To JM
Date 4/6 Time 1 05
WHILE YOU WERE OUT
M. Dr. Jaramillo / Boyd
of Central State
Phone 301 336-7343
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message R.S.V.P. Lounge
at 6 PM tonight
a group of Central
State Dr. meeting
& can you join
them.
Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

To Dan
Date 4/6 Time 140
WHILE YOU WERE OUT
M. Roland Bittle
of
Phone 350-0653
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/6 Time 140
WHILE YOU WERE OUT
M. Debbie Miller
of
Phone 797590
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000555

To Jim
Date 4/6 Time 230
WHILE YOU WERE OUT
M. Ms. Bennett
of
Phone 212 283 6460
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message call at 5
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/6 Time 225
WHILE YOU WERE OUT
M. Charles Chase
of
Phone 797590
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/6 Time 2:35

WHILE YOU WERE OUT

M. Jimmy McPhee
of
Phone 399 1444
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 4/6 Time 2:35

WHILE YOU WERE OUT

M. Jimmy McPhee
of
Phone 399 1444
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 4/6 Time 3:20

WHILE YOU WERE OUT

M. A. Glass
of
Phone 546 4840
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000556

To Bob Hamm
Date 4/6 Time 3:35

WHILE YOU WERE OUT

M. Laura Hall
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Important

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/6 Time 4 00

WHILE YOU WERE OUT

M. Sara Etheridge
of 765 599 [illegible]
Phone 225 932 1
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/6 Time 3 15

WHILE YOU WERE OUT

M. Floyd Kuick
of
Phone 636 7151
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000557

To Dick
Date 4/6 Time 4 05

WHILE YOU WERE OUT

M. Cynthia Pikul
of
Phone 243 2434
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Dick
Date 4/6 Time 4 30

WHILE YOU WERE OUT

M. Mrs. Gray
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To JW/C
Date 4/6 Time

WHILE YOU WERE OUT

M W Gist
of
Phone 659-8170
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill C
Date 4/6 Time 4:55

WHILE YOU WERE OUT

M Marsha Echols
of
Phone 537-0357
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000558

To Bill
Date Time

WHILE YOU WERE OUT

M Fred Abramson
of
Phone 828-8225
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bob Howard
Date Time

WHILE YOU WERE OUT

M Van Brasher
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To H.N.W.

Date Time

WHILE YOU WERE OUT

M. Mr. Mc Colloch

of

Phone 726-1551
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To B.L.T.

Date Time

WHILE YOU WERE OUT

M. Sandra

of

Phone 726 8830
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000559

To W.A.B.

Date Time

WHILE YOU WERE OUT

M. S. Howard

of

Phone 978-1958
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	✓
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Cindy

Date Time

WHILE YOU WERE OUT

M. Jennifer

of

Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To DRW
Date 4/7 Time 11:22

WHILE YOU WERE OUT

M. Dr. Hall
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

To DRW
Date 4/7 Time 10:55

WHILE YOU WERE OUT

M. a. Gill
of
Phone 338 5000
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
for Mrs. Mary Smith

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

000580

To DRW
Date 4/7 Time 11:15

WHILE YOU WERE OUT

M. Gary
of
Phone Office
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

To DRW
Date 4/7 Time

WHILE YOU WERE OUT

M. Roland Butler
of
Phone 350 3653
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/7 Time 11 53

WHILE YOU WERE OUT

M. Kirby Meadows
of Freeport
Phone 352 2251
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Bahamas

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 4/7 Time 11 30

WHILE YOU WERE OUT

M. Richard R Crouse
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message He will try to send Bo Cate is in to as soon as possible

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

000561

To Jim
Date 4/7 Time 12 05

WHILE YOU WERE OUT

M. Russell Simmons
of
Phone 724 4455
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

To KRW
Date 4/7 Time 11 35

WHILE YOU WERE OUT

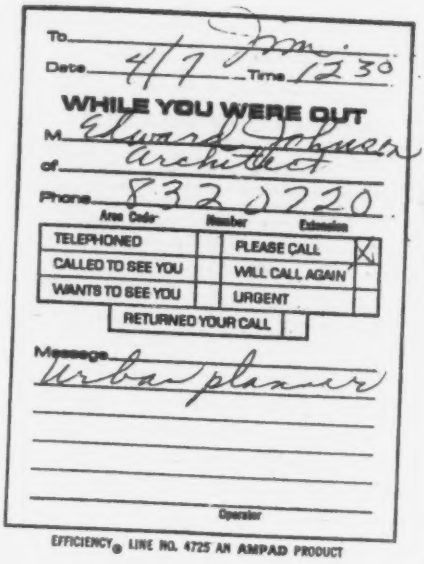
M. Betty Scott
of
Phone 224 9771, 2
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT



To Jim
Date 4/7 Time 1230

WHILE YOU WERE OUT

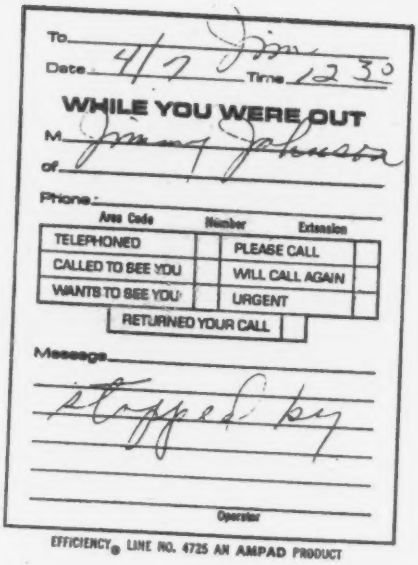
M Edward Johnson
of Architect
Phone 832 3720
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Urban planner

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To Jim
Date 4/7 Time 1230

WHILE YOU WERE OUT

M James Johnson
of
Phone
Area Code Number Extension

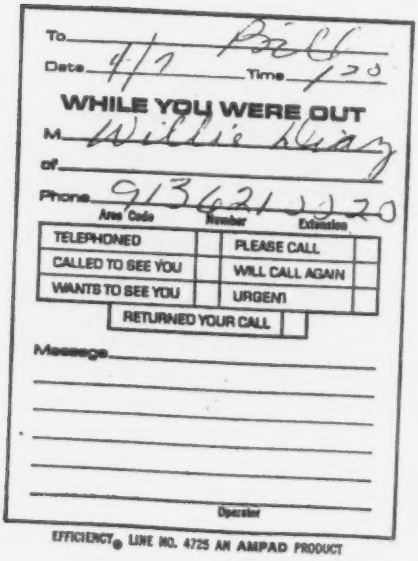
TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Stopped by

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000562



To Bill
Date 4/7 Time 120

WHILE YOU WERE OUT

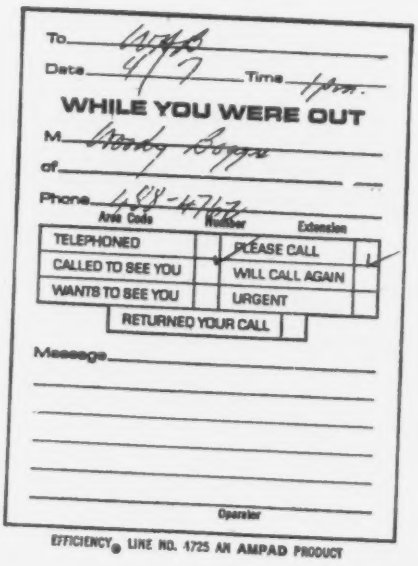
M Willie Mays
of
Phone 913 621 3720
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To [illegible]
Date 4/7 Time 4pm.

WHILE YOU WERE OUT

M Woody Boggs
of
Phone 488-4722
Area Code Number Extension

TELEPHONED		PLEASE CALL	✓
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill Ls
Date 4/7 Time 1 35
WHILE YOU WERE OUT
M Jesse McCrary
of
Phone 328 2000
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message X 2040

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bert H.
Date 4/7 Time 1 30
WHILE YOU WERE OUT
Ms Janice Howard
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

from IC 8

000563

To Karl
Date 4/7 Time 2 15
WHILE YOU WERE OUT
M Irving
of Court Reporter
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Anderson + Taylor
Bal. 58.50
Jewel Irving

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 4/7 Time 1 30
WHILE YOU WERE OUT
M Jesse McCrary
of
Phone 328-2000
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message X 2040

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/7 Time 245
WHILE YOU WERE OUT
M Patty Abeyas
of
Phone 331 1981
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Ivan Read
Deposit for
Read
45311
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/7 Time 247
WHILE YOU WERE OUT
M Pierre Lee
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Wants a
Check — has
been here
Twice
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000564

To Bill
Date 4/7 Time 310
WHILE YOU WERE OUT
M Barbara Whitley
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/7 Time 305
WHILE YOU WERE OUT
M Dean Johnson
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bi C
Date 4/7 Time 320

WHILE YOU WERE OUT

M. Wayne Jones
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL [X]

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To H. Rll.
Date 4/7 Time 345

WHILE YOU WERE OUT

M. Herman Cooper
of
Phone 722 1375
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL [ ]

Message after 5
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000565

To John
Date 4/7 Time 4

WHILE YOU WERE OUT

M. Lou Pompone
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL [ ]

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To John
Date 4/7 Time 335

WHILE YOU WERE OUT

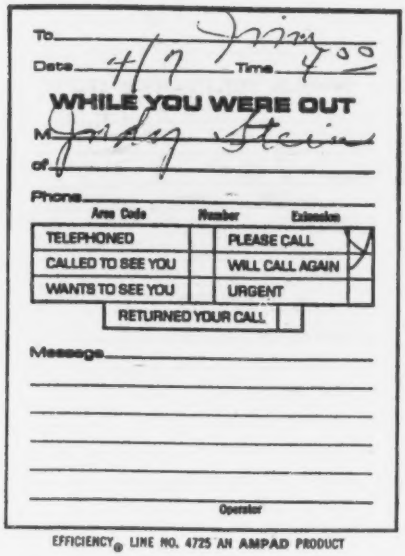
M. S. The Antrock
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL [ ]

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To Jim
Date 4/7 Time 4:00

WHILE YOU WERE OUT

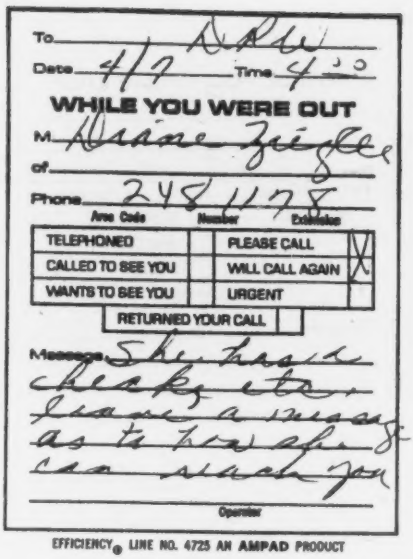
M Judy Stein
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To Debbie
Date 4/7 Time 4:20

WHILE YOU WERE OUT

M Diane Zeigler
of
Phone 248 1178
Area Code Number Extension

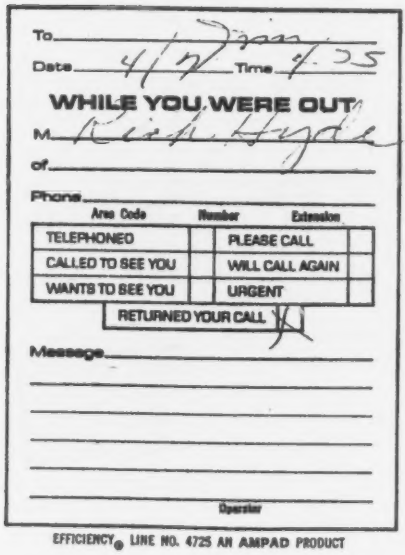
TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message She heard Beaks story. I gave a message as to how she can reach you

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000566



To Jim
Date 4/7 Time 4:35

WHILE YOU WERE OUT

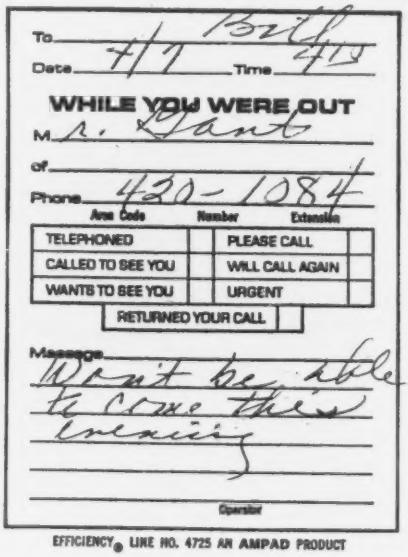
M Rich Hyde
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL	X		

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To Bill
Date 4/7 Time 4:15

WHILE YOU WERE OUT

M R. Plant
of
Phone 420-1084
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Won't be able to come this evening

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/7 Time 4 25
WHILE YOU WERE OUT
M Jaye Clements
of
Phone 225 1691
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	X
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Dawn
Date 4/7 Time 4 30
WHILE YOU WERE OUT
M Mrs Myrick
of
Phone 727-3715
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

from IC 8

000567

To Bill
Date 4/7 Time 4 30
WHILE YOU WERE OUT
M Valentine's
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
If you are up
at James
call him
tomorrow
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 4/7 Time 4 32
WHILE YOU WERE OUT
M Jaye Clements
of
Phone 225 1691
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	X
RETURNED YOUR CALL			

Message
EXHIBIT 197 HOUSE
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill 4/5
Date 4/7 Time 4:45

WHILE YOU WERE OUT

M Charles Rogan
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message will be in in the morning

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To DRW
Date 4/7 Time 4:30

WHILE YOU WERE OUT

M Joyce Clements
of
Phone 225 1691
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	X
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000568

To Bill 4/5
Date 4/7 Time 4:45

WHILE YOU WERE OUT

M G.J. Archbold
of
Phone 901-525-3221
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
or
901 755-6247 Pager
You may call
collect

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To DRW
Date 4/7 Time 4:35

WHILE YOU WERE OUT

M Papa
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To DRW
Date 4/7 Time 4:50
WHILE YOU WERE OUT
M Cindi
of
Phone
Area Code Number Extension

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Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To DRW
Date 4/7 Time 4:45
WHILE YOU WERE OUT
M Marsha
of
Phone 483-2203
Area Code Number Extension

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CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000569

To DRW
Date 4/7 Time 4:55
WHILE YOU WERE OUT
M Cynthia Vaughan
of
Phone 273-1735
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To DRW
Date 4/7 Time 4:50
WHILE YOU WERE OUT
M Carlos
of
Phone 245-9210
Area Code Number Extension

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WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

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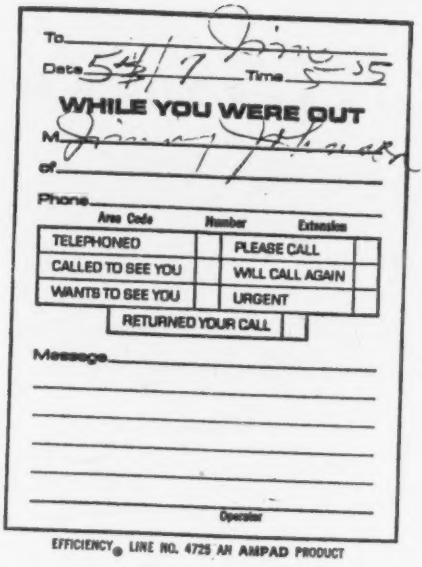
To Jim
Date 5/17 Time 5:35
WHILE YOU WERE OUT
M Jimmy Thomas
of
Phone
Area Code Number Extension
TELEPHONED | PLEASE CALL
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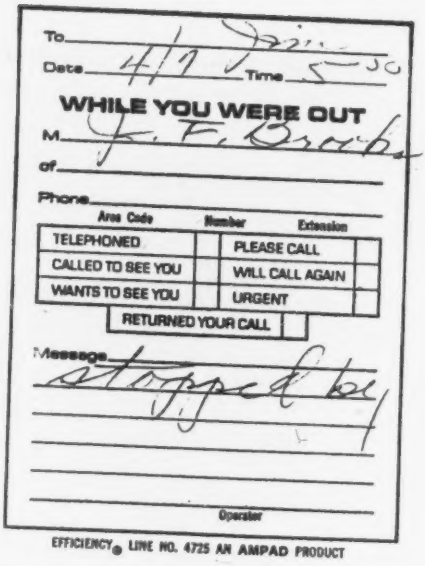
To Jim
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M K. F. Brooks
of
Phone
Area Code Number Extension
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Message Stopped by
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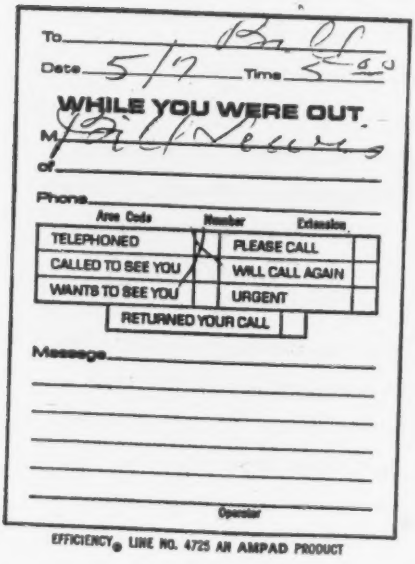
000570


To Ralf
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M Ralf Veeris
of
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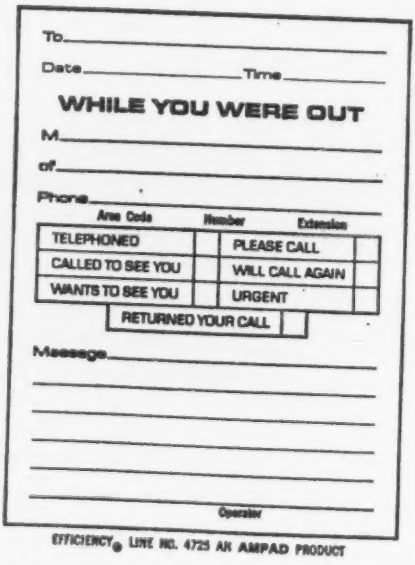
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EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY ACCARDO
a/k/a "JOE BATTERS,"
JAMES CAPORALE,
PAUL A. DI FRANCO,
ANGELO FOSCO,
PAUL FOSCO,
JOHN GIARDIELLO,
SEYMOUR A. GOPMAN,
JAMES F. NORTON,
LOUIS C. OSTRER,
TERENCE J. O'SULLIVAN,
ALFRED PILOTTO,
a/k/a Orfeo Jerrer Pilota,
JAMES PINCKARD,
BERNARD G. RUBIN,
SANTO TRAFFICANTE,
SALVATORE TRICARIO, and
GEORGE WUAGNEUX

Defendants.

No. 81-230-CR-ALH

18 U.S.C. §1962(d)

United States Court
EVIDENTIARY HEARING
HOUSE MANAGERS' EXHIBIT 216

THE GRAND JURY CHARGES:

COUNT ONE

1. At all times material to this indictment:

a. The Laborers International Union of North America ("Laborers Union") was an employee organization representing workers engaged in interstate commerce and engaged in an industry and activity affecting commerce, that is, the building and construction trades.

b. The Laborers Union and its subordinate bodies and affiliated employee benefit plans constituted an enterprise as defined by Title 18, United States Code, Section 1961(4), which enterprise was engaged in and the activities of which affected interstate commerce.

c. Up to and including December 31, 1974, the following employee welfare benefit plans were plans subject to the provisions of the Welfare and Pension Plans Disclosure Act (29 U.S.C. 301-309):

EXHIBIT
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HOUSE

(1) Health and Welfare Department of Construction and General Laborers District Council of Chicago and Vicinity Trust Fund ("Chicago Dental Plan");

(2) Southeast Florida Laborers District Council Dental, Vision and Preventive Care Trust Fund ("Florida Dental Plan");

(3) Laborers Health and Welfare Fund of Dade County ("Dade County Fund");

(4) Laborers Local 938 Health and Welfare Fund of Broward County, Florida ("938 Fund");

(5) Laborers Local 666 Health and Welfare Trust Fund of Dade County ("666 Welfare Fund");

(6) Laborers Local 767 Health and Welfare Trust Fund of Palm Beach County ("767 Welfare Fund").

d. From January 1, 1975, through December 31, 1977, the employee welfare benefit plans listed in paragraph 1c above were plans subject to the provisions of Title 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001-1144).

e. The following were employee organizations which represented employees engaged in interstate commerce and in an industry and activity affecting interstate commerce, and the members of which were covered by one or more of the employee welfare benefit plans set forth in paragraph 1c:

(1) Laborers International Union of North America, ("Laborers Union");

(2) Construction and General Laborers District Council of Chicago and Vicinity ("Chicago District Council");

(3) Laborers International Union of North America, Local Union 5, ("Local Union 5");

(4) Southeast Florida Laborers District Council;

(5) Laborers International Union of North America, Local Union 478 ("Local 478");

(6) Laborers International Union of North America, Local Union 666 ("Local 666");

(7) Laborers International Union of North America, Local Union 767 ("Local 767");

(8) Laborers International Union of North America, Local Union 938 ("Local 938").

f. Consultants and Administrators, Inc. of Chicago, Illinois ("Consultants and Administrators") was a corporation which provided benefit plan services including dental, vision and related medical services to members of the Laborers Union through the Chicago Dental Plan.

g. Dental and Vision Care Centers, Inc. of Miami, Florida ("DVCC") was a corporate associate of Consultants and Administrators and provided benefit plan services such as dental, vision, and related medical services to members of the Laborers Union through the Florida Dental Plan.

h. Farmers National Life Insurance Company ("Farmers National") was a Florida corporation which provided benefit plan services in the form of life, accident, and health insurance coverage to members of the Laborers Health and Welfare Fund of Dade County; Laborers Local 938 Health and Welfare Fund of Broward County; Laborers Local 666 Health and Welfare Trust Fund of Dade County; and Laborers Local 767 Health and Welfare Trust Fund of Palm Beach County.

i. PF Insurance Agency ("PF Agency") was an Illinois corporation which was purportedly engaged in the sale of life insurance but which also served as a conduit for kickback money received from Farmers National.

j. Fortune Services, Inc. ("Fortune Services") and Ace Services, Inc. ("Ace Services"), both Florida corporations, were purportedly engaged in verifying the eligibility of members of the Laborers Union for DVCC, but both in actuality served as conduits for kickback monies from DVCC.

k. Pinckard and Associates, Inc.("Pinckard and Associates") was an Illinois corporation purportedly engaged in verifying the eligibility of members of the Laborers Union for Consultants and Administrators, but which in actuality served as a conduit for kickback monies from Consultants and Administrators.

l. Sales Administrators for Employees Fringe Advantages, Inc. ("Sales Administrators, Inc.") and Fringe Benefits, Inc., both located in New York, New York, were businesses engaged in selling and administering fringe benefit programs for union members and also served as conduits for kickback monies from Consultants and Administrators and DVCC.

m. Sage Corporation and an associated entity known as Drake Towers Joint Venture were located respectively in Hallandale, Florida, and Ft. Lauderdale, Florida, and were engaged in the construction, sale, and management of condominium and office buildings and also served as conduits for kickback monies from Consultants and Administrators and DVCC.

2. At various times material to this indictment:

a. Defendant ANTHONY ACCARDO, a/k/a "Joe Batters" was a resident of Cook County, Illinois.

b. Defendant JAMES CAPORALE was secretary-treasurer of the Chicago and Vicinity District Council of the Laborers Union, a trustee of the Chicago Dental Plan, and a special international representative of the Laborers Union.

c. Defendant PAUL A. DI FRANCO was a dentist and vice-president of DVCC and stockholder in Consultants and Administrators and DVCC.

d. Defendant ANGELO FOSCO was a vice-president of the Laborers Union until 1975 at which time he became the general president of the Laborers Union.

e. Defendant PAUL FOSCO was the president of PF Insurance Agency, Chicago, Illinois, and vice-president of, and stockholder in, Consultants and Administrators and DVCC, and the son of ANGELO FOSCO.

f. Defendant JOHN GIARDIELLO was president and business agent of Laborers Local 767, and was a trustee of the Florida Dental Plan and the 767 Welfare Fund.

g. Defendant SEYMOUR GOFMAN was counsel to the Dade County Fund, the 938 Fund, the 666 Welfare Fund, the 767 Welfare Fund, the Florida Dental Plan, and Local Unions 478, 666, 767, and 938.

h. Defendant JAMES F. NORTON was president of Consultants and Administrators, vice-president of DVCC, and a stockholder in both corporations.

k. Defendant LOUIS OSTRER was the principal operator of Sales Administrators, Inc. and Fringe Benefits, Inc.

j. Defendant TERENCE J. O'SULLIVAN was secretary-treasurer of the Laborers Union until August 1975. Subsequently, he became president of World Wide Insurance Company, Washington, D. C.

k. Defendant ALFRED PILOTTO was president of Local Union 5, vice-president of the Laborers Chicago District Council, a trustee of the Chicago Dental Plan, and a special international representative of the Laborers Union.

l. Defendant JAMES PINCKARD was the owner-operator of Pinckard and Associates, Inc. and the son-in-law of Alfred Pilotto.

m. Defendant BERNARD G. RUBIN was an international representative to the Laborers Union, president of the Southeast Florida District Council of the Laborers Union, president of Local Union 666, business manager of Local Union 478, and a trustee of the Florida Dental Plan, Dade County Fund, and 666 Welfare Fund.

n. Defendant SANTO TRAFFICANTE was a resident of Tampa, Florida.

o. Defendant SALVATORE TRICARIO was business agent and recording secretary of Local Union 767 and a trustee of the 767 Welfare Fund.

p. Defendant GEORGE WUAGNEUX was president of Sage Corporation, which was the developer of Drake Towers and a partner in Drake Towers Joint Venture.

q. Arthur E. Coia was a vice-president of the Laborers Union.

r. Joseph Hauser controlled Farmers National.

s. Daniel Milano (deceased) was executive vice-president of Consultants and Administrators, president of DVCC, and stockholder in both corporations.

3. From on or about October 1970 and continuously thereafter until December 31, 1977, in the Southern District of Florida and elsewhere, the defendants ANTHONY ACCARDO, JAMES CAPORALE, PAUL A. DI FRANCO, ANGELO FOSCO, PAUL FOSCO, JOHN GIARDIELLO, SEYMOUR A. GOPMAN, JAMES F. NORTON, LOUIS C. OSTRER, TERENCE J. O'SULLIVAN, ALFRED PILOTTO, JAMES PINCKARD, BERNARD G. RUBIN, SANTO TRAFFICANTE, SALVATORE TRICARIO, and GEORGE WUAGNEUX did knowingly, willfully, and unlawfully conspire, combine, confederate, and agree together, with each

other, and with other persons known and unknown to the Grand Jury, to conduct and participate, directly and indirectly, in the conduct of the affairs of the Laborers Union through a pattern of racketeering activity in violation of Title 18, United States Code, Section 1962(c).

4. It was part of the conspiracy that the defendants and co-conspirators would be employed by or associated with an enterprise which was engaged in, and the activities of which affected interstate commerce, to wit: the Laborers Union, including its subordinate bodies and affiliated benefit plans.

5. It was further part of the conspiracy that the defendants and co-conspirators would commit and cause to be committed multiple acts of racketeering activity, to wit: the unlawful payment and receipt of things of value relating to questions and matters concerning employee welfare benefit plans, in violation of Title 18, United States Code, Section 1954.

6. It was further part of the conspiracy that some of the defendants and the co-conspirators would, directly and indirectly, give, offer, and promise to give and offer, fees, kickbacks, commissions, gifts, loans, money, and other things of value to other defendants and co-conspirators who were administrators, officers, trustees, custodians, counsel, agents, and employees of employee welfare benefit plans, with other defendants and co-conspirators aiding, abetting and counseling both of the previous groups, because of, and with intent to influence, the actions, decisions, and other duties of such defendants and co-conspirators as administrators, officers, trustees, custodians, counsel, agents and employees relating to questions and matters concerning such plan, that is, granting of welfare benefit plan dental, vision and life insurance business.

7. It was further part of the conspiracy that the defendant ANTHONY ACCARDO would agree to and support the operation of a kickback scheme involving the Laborers Union initially in Chicago and Florida and eventually nationwide in return for payments of money.

8. It was further a part of the conspiracy that defendant SANTO TRAFFICANTE would agree to and support the operation of a kickback scheme involving the Laborers Union initially in Florida and eventually nationwide.

9. It was further part of the conspiracy that defendants ANGELO FOSCO, TERENCE J. O'SULLIVAN, and other persons, known and unknown to the Grand Jury, constituting at various times pertinent to this indictment the top leadership of the Laborers Union, would receive and agree to receive and solicit fees, kickbacks, commissions, gifts, loans, monies, and other things of value because of, and with intent to be influenced with respect to, their actions, decisions and duties relating to questions and matters concerning employee benefit plans.

10. It was further part of the conspiracy that defendants JAMES F. NORTON, PAUL A. DI FRANCO, and other persons, known and unknown to the Grand Jury, would set up and operate Consultants and Administrators and would pay illegal kickbacks to obtain the optical and dental business of the Chicago Dental Plan.

11. It was further part of the conspiracy that the defendants ALFRED PILOTTO and JAMES CAPORALE would collect some of the previously described kickback money paid by Consultants and Administrators for distribution to other defendants and co-conspirators as well as themselves.

12. It was further part of the conspiracy that the defendant JAMES PINCKARD would operate Pinckard and Associates for the purpose of being a conduit to disguise kickback

money paid by Consultants and Administrators in the amount of ten percent of the gross premiums received, which kickbacks were intended for his father-in-law, ALFRED PILOTTO, and other defendants and co-conspirators.

13. It was further part of the conspiracy that DVCC would be set up and operate as the Florida associate of Consultants and Administrators and would cause illegal kickbacks to be paid to various defendants and co-conspirators from the fees received from the Laborers Union trust funds.

14. It was further a part of the conspiracy that the defendants BERNARD G. RUBIN and SEYMOUR A. GOPMAN would mastermind and manage the collection of illegal kickback money paid by DVCC in the amount of fifteen percent of the gross premiums paid through a series of conduits for distribution to other defendants and co-conspirators as well as themselves.

15. It was further part of the conspiracy that the defendant SEYMOUR A. GOPMAN would set up and operate Fortune Services and Ace Services as conduits for disguising illegal kickback money received from DVCC.

16. It was further part of the conspiracy that the defendant LOUIS C. OSTRER would direct and manage Sales Administrators, Inc. and Fringe Benefits, Inc., as, among other purposes, conduits for disguising illegal kickback monies received from DVCC.

17. It was further part of the conspiracy that the defendant GEORGE WUAGNEUX would direct and manage Sage Corporation and Drake Towers Joint Venture as, among other purposes, conduits for disguising illegal kickback monies received by DVCC.

18. It was further part of the conspiracy that the defendants and other persons, known and unknown to the Grand Jury, would meet and plan to expand the illegal kickback scheme involving dental, vision, and related medical services throughout the country and to branch out to life insurance plans.

19. It was further part of the conspiracy that Joseph Hauser would purchase and operate Farmers National as an insurer of union members and would pay illegal kickbacks to various defendants, from proceeds received from laborers union trust funds for insurance provided by Farmers National, and other things of value.

20. It was further part of the conspiracy that the defendant PAUL FOSCO would set up and operate PF Agency as, among other purposes, a conduit for disguising illegal kickback monies.

21. It was further part of the conspiracy that the defendants JOHN GIARDIELLO and SALVATORE TRICARIO would receive and agree to receive kickbacks, commissions, gifts, loans, monies, and other things of value because of, and with intent to be influenced with respect to, their actions, decisions, and other duties as trustees, relating to questions and matters concerning the Florida Dental Plan and Laborers (Local 767) Health and Welfare Trust Fund of Palm Beach County, namely the granting of the optical, dental, and insurance business of those plans.

22. It was further part of the conspiracy that the defendants and persons known and unknown to the Grand Jury, would perform other acts during the course of the conspiracy to hide and conceal, and cause to be hidden and concealed, the purpose of the conspiracy and the acts committed in furtherance of the conspiracy.

OVERT ACTS

In furtherance of the described conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Southern District of Florida and elsewhere:

1. In or about October, 1970, defendants ANGELO FOSCO, JAMES CAPORALE, and other persons met in New York, New York, with a representative of the Martin E. Segal Company to discuss, among other things, the implementation of a dental welfare program in Chicago, Illinois, utilizing Consultants and Administrators.

2. On or about April 27, 1971, a contract for the provision of dental services between the Chicago Dental Plan, and Consultants and Administrators was signed by defendant JAMES NORTON and James Murphy.

3. In about February, 1972, in the Southern District of Florida, defendants BERNARD RUBIN, SEYMOUR GOPMAN, SALVATORE TRICARIO, and JOHN GIARDIELLO met with a representative of Consultants and Administrators and demanded kickbacks in return for agreeing to a contract in which Consultants and Administrators, through DVCC, would provide dental and vision care to members of the Laborers Union in Southeast Florida.

4. In 1973 in San Francisco, California, Arthur E. Coia and defendants ANGELO FOSCO, TERENCE O'SULLIVAN, JOHN GIARDIELLO, and SALVATORE TRICARIO met with Joseph Hauser to urge him to obtain an insurance company in Florida, in which they could be partners as to income and into which the Laborers Union insurance business could be funnelled, because they controlled the Insurance Commissioner of Florida.

5. On or about September 13, 1972, contracts for the provision of dental and vision services between the Southeast Florida Laborers District Council and DVCC was signed by defendants JAMES NORTON and BERNARD RUBIN.

6. In 1973 defendant TERENCE O'SULLIVAN met with Joseph Hauser and received stock in Equitable Health Corporation of America and cash as an illegal kick-back.

7. On or about March 15, 1973, in the State of Florida, defendant SEYMOUR GOPMAN incorporated Fortune Services.

8. On or about May 1, 1973, defendant SEYMOUR GOPMAN, on behalf of Fortune Services, entered into a contract with Paul Di Franco, D.D.S., P.A.

9. On or about December 13, 1974, in the State of Florida, defendant SEYMOUR GOPMAN incorporated Ace Services.

10. Between March 1974 and June 1976, in the Southern District of Florida, defendant JOHN GIARDIELLO received periodic payments of $5,000 as illegal kickbacks from Joseph Hauser.

11. Between March 1974 and June 1976, in the Southern District of Florida, defendant SALVATORE TRICARIO received periodic payments of $5,000 as illegal kickbacks from Joseph Hauser.

12. Between February 1972 and May 1976, in the Southern District of Florida, defendant SALVATORE TRICARIO received illegal kickbacks in varying amounts, in the form of cash, from representatives of DVCC.

13. In about June 1974, in the Southern District of Florida, defendant BERNARD G. RUBIN met with Joseph Hauser and received corporate stock in Farmers Financial Corporation as an illegal kickback, said stock being placed in the name of RUBIN's brother-in-law, Leonard Zucker, through a shell corporation known as Eastern Tower Crane Erectors, Inc.

14. During the period 1974 through 1976 in Chicago, Illinois, defendant JAMES CAPORALE made periodic visits to Consultants and Administrators for the purpose of receiving illegal kickbacks.

15. In about 1974 defendant ANGELO FOSCO met with Joseph Hauser and requested Hauser pay illegal kickbacks to him through a company to be called PF Insurance Agency, owned and operated by his son, defendant PAUL FOSCO.

16. During 1974 through 1976 defendant PAUL FOSCO had conversations with and received payments from employees of Consultants and Administrators as illegal kickbacks for his father, defendant ANGELO FOSCO, and others.

17. On or about April 1, 1975, in Chicago, Illinois, PF Agency, through defendant PAUL FOSCO as president, entered into an agreement with Farmers National.

18. In about mid-1974 defendant JAMES PINCKARD had a conversation with Daniel G. Milano concerning illegal kickbacks which were being paid by Consultants and Administrators to defendant ALFRED PILOTTO and others through Pinckard and Associates.

19. On or about October 29, 1974, in the State of Illinois, Pinckard and Associates was incorporated by defendant JAMES PINCKARD.

20. In the spring of 1974, in Chicago defendant ALFRED PILOTTO met with Daniel Milano (deceased) and discussed PILOTTO's assisting Consultants and Administrators with a new Chicago Dental Plan contract they were seeking in Chicago, Illinois, in return for illegal kickbacks to be paid to defendant ALFRED PILOTTO through the conduit of Pinckard and Associates.

21. In about December 1974 in Chicago, Illinois, defendant ALFRED PILOTTO received a cash kickback from Joseph Hauser in the amount of $2,500.

22. On about July 9, 1974, in Chicago, Illinois, defendant JAMES NORTON, on behalf of Consultants and Administrators, entered into an agreement with the Chicago District Council, providing dental coverage for members and dependents.

23. During 1974, in the Southern District of Florida, defendant SANTO TRAFFICANTE met with Joseph Hauser, and defendants JOHN GIARDIELLO and SALVATORE TRICARIO and discussed the fact that when Hauser obtained a nationwide insurance company, then "the family" and the Laborers Union hierarchy were going to be part of Farmers National and all Laborers Union insurance business would be funnelled into Farmers National.

24. In about December 1974 in Chicago, Illinois, defendant ANTHONY ACCARDO had a conversation with Joseph Hauser and defendants ALFRED PILOTTO and ANGELO FOSCO wherein ACCARDO stated that they were going to make Hauser's company the largest insurance company in the United States, with profits being funnelled through PF Agency and also advised Joseph Hauser at that meeting that he was "family" because of ANGELO FOSCO's recommendation.

25. In about February 1975, defendant BERNARD RUBIN, Joseph Hauser, and others traveled from Miami, Florida to Tallahassee, Florida, and met with Florida State Insurance Commissioner Thomas O'Malley in order to have him decide certain matters in favor of Farmers National.

26. Between late 1974 and October 1, 1975, in Chicago, Illinois, Arthur E. Coia and defendants ANTHONY ACCARDO and ALFRED PILOTTO met with Joseph Hauser and Charles Morris, an Indiana Laborers official, and discussed

placing the Indiana Laborers insurance business with Farmers National.

27. In 1975 in Chicago, Illinois, defendant ANTHONY ACCARDO had a conversation with Joseph Hauser wherein he advised Hauser that defendant TERENCE O'SULLIVAN was being removed from the Laborers Union and that Hauser would have to set up O'SULLIVAN in an insurance agency in Washington, D. C.

28. On or about February 12, 1975, in the Southern District of Florida, defendant BERNARD G. RUBIN received a $120,000 kickback from Joseph Hauser.

29. During the spring of 1975, in the Southern District of Florida, defendant SANTO TRAFFICANTE met with Joseph Hauser and defendants BERNARD RUBIN and GEORGE WUAGNEUX and offered to assist Hauser in his effort to get more Laborers Union business stating he wanted Farmers National to expand since his share of the kickbacks, to that point in time, amounted to "peanuts."

30. On or about September 17, 1975, defendant LOUIS OSTRER and Daniel Milano (deceased) signed a service agreement between DVCC and Sales Administrators, Inc.

31. Between May 1973 and December 1974, in the Southern District of Florida, defendant SEYMOUR GOPMAN received checks drawn on behalf of DVCC in the total amount of $502,911.80, made payable to Fortune Services, as kickbacks.

32. Between about January 14, 1975, and August 6, 1975, in the Southern District of Florida, defendant SEYMOUR GOPMAN received checks drawn on behalf of DVCC in the total amount of $152,053, made payable to Fortune Services, as kickbacks.

33. Between about September 29, 1975, and December 4, 1975, defendant LOUIS OSTRER, as the operator of Sales Administrators, Inc., received checks drawn on behalf of DVCC in the total amount of $100,000, as kickbacks.

34. In about winter 1975, in the Southern District of Florida, defendant LOUIS OSTRER had a conversation with Joseph Hauser wherein they discussed the manner in which OSTRER was assisting in laundering illegal kickbacks received from DVCC through Sales Administrators, Inc.

35. In about January 1976, defendant GEORGE WUAGNEUX, as president of Sage Corporation, entered into an agreement with DVCC, establishing Drake Towers Joint Venture.

36. In 1976 in the Southern District of Florida, defendant GEORGE WUAGNEUX had a conversation with Joseph Hauser wherein they discussed the manner in which WUAGNEUX was assisting in laundering illegal kickbacks received from DVCC.

37. In about March 1976, in the Southern District of Florida, defendant JAMES CAPORALE met with Joseph Hauser and received $10,000 as a kickback to influence CAPORALE to place the Chicago District Council insurance with Farmers National.

38. On or about June 17, 1976, defendants JAMES NORTON and PAUL DI FRANCO and Daniel Milano (deceased) caused a payment to be made to Drake Towers Joint Venture, which payment represented an illegal kickback.

39. During 1975 defendant ANTHONY ACCARDO had a conversation with Joseph Hauser in which he advised Joseph Hauser that the insurance business of the Laborers Union would be controlled by "the family" with defendant SANTO TRAFFICANTE controlling the southern United States

an individual known to the Grand Jury controlling the northeast United States, and ACCARDO controlling the midwestern United States and advised Joseph Hauser that when Hauser obtained a "national" insurance company, defendant SANTO TRAFFICANTE's share of the proceeds would have to be increased since TRAFFICANTE was dissatisfied with the amount of money he was currently receiving.

40. Between about March 16, 1976, and July 15, 1977, in the Southern District of Florida, defendant GEORGE WUAGNEUX, as president of Sage Corporation, received checks drawn on behalf of DVCC in the total amount of $425,000, made payable to Drake Towers Joint Venture, as kickbacks.

41. Between about November 13, 1974, and January 19, 1977, in Chicago, Illinois, defendant JAMES PINCKARD, as owner-operator of Pinckard and Associates, received checks in the total amount of $452,737.80, as kickbacks.

42. Between about December 12, 1977, and December 15, 1977, defendant LOUIS OSTRER, as operator of Fringe Benefits, Inc. received checks drawn on behalf of DVCC, in the total amount of $75,000, as kickbacks.

43. Between July 9, 1974, and July 1, 1976, in the Southern District of Florida and elsewhere, Joseph Hauser caused kickbacks to be made to PF Agency, which was controlled by defendant PAUL FUSCO, in the total amount of $223,863.72.

All in violation of Title 18, United States Code, Section 1962(d).

THE GRAND JURY FURTHER CHARGES:

FORFEITURE

1. The allegations contained in Count One are incorporated by reference herein for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Section 1963.

2. Through the aforesaid pattern of racketeering activity, the defendants ANTHONY ACCARDO, JAMES CAPORALE, PAUL A. DI FRANCO, ANGELO FOSCO, PAUL FOSCO, JOHN GIARDIELLO, SEYMOUR A. GOPMAN, JAMES F. NORTON, LOUIS C. OSTRER, TERENCE J. O'SULLIVAN, ALFRED PILOTTO, JAMES PINCKARD, BERNARD G. RUBIN, SANTO TRAFFICANTE, SALVATORE TRICARIO, AND GEORGE WUAGNEUX have acquired and maintained interests in violation of Title 18, United States Code, Section 1962, thereby making these interests subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963.

3. The interests of the defendants subject to forfeiture to the United States include any and all proceeds of the pattern of racketeering alleged in Count One and any and all interests, securities, claims, and property and contractual rights acquired through the use of these proceeds, including $2,064,066.32 paid and received as kickbacks as set forth in Count One Overt Acts, paragraphs 21, 28, 31, 32, 33, 37, 40, 41, 42, and 43, and $12,460 contained in seven (7) white envelopes seized by the Federal Bureau of Investigation on October 6, 1976 at Consultants and Administrators, 220 South Ashland Avenue, Chicago, Illinois.

4. The defendants are jointly and severally liable to the United States for this forfeiture.

5. The defendants, JAMES CAPORALE, ANGELO FOSCO, JOHN GIARDIELLO, TERENCE O'SULLIVAN, ALFRED PILOTTO, and SALVATORE TRICARIO, have interests in legal entities through which they have established, operated, controlled,

conducted, and participated, directly and indirectly, in the conduct of the enterprise through a pattern of racketeering activity in violation of Title 18, United States Code, Section 1962, thereby making these interests subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963. These interests of defendants subject to forfeiture are any and all positions with the Laborers International Union of North America and any of its district councils and local unions and any positions as trustee of any Employee Benefit Plans associated with the Laborers International Union of North America and any of its district councils and local unions.

All in violation of Title 18, United States Code, Section 1963.

A TRUE BILL

Harry A. Anderson
FOREPERSON

ATLEE W. WAMPLER III
UNITED STATES ATTORNEY
Southern District of Florida

for Martha P. Rogers
WILLIAM D. HYATT
ATTORNEY, DEPARTMENT OF JUSTICE

John M. Owens
JOHN M. OWENS
ATTORNEY, DEPARTMENT OF JUSTICE

Martha P. Rogers
MARTHA P. ROGERS
ATTORNEY, DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA)

v.) CASE No. 81-230-CR-ALH

ANTHONY ACCARDO a/k/a Joe Batters)
JAMES CAPORALE,
PAUL A. DI FRANCO,
ANGELO FOSCO,
PAUL FOSCO,
JOHN GIARDIELLO,
SEYMOUR A. GOFMAN,
JAMES F. NORTON
LOUIS C. OSTRER
TERENCE J. O'SULLIVAN)
ALFRED PILOTTO a/k/a Orfeo Jerrer Pilota
JAMES PINCKARD,
BERNARD G. RUBIN
SANTO TRAFFICANTE,
SALVATORE TRICARICO
GEORGE WUAGNEUX

ESTIMATED TRIAL TIME

CERTIFICATE OF TRIAL ATTORNEY

I, hereby certify:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the indictment/information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, 18 U.S.C. §3161.

3. This case will take 7 (days) (weeks) (months) for the parties to try.

JOHN M. OWENS John M. Owens
ATTORNEY FOR THE UNITED STATES
(Special Attorney)
Miami Strike Force
Organized Crime and Racketeering Section

I hereby certify that the foregoing is a true and correct copy of the original on file in my office.
Robert [illegible] Clerk
U.S. District Court
Southern District of Florida
By [illegible]
Deputy Clerk
Date 1-6-87

11-229
231 ROOM

BORDERS, WM. (LAST) NAME (FIRST) | RATE 280 | DEPART 10
1621 NEW HAMPSHIRE AVE. | 1 | 9
WASHINGTON, D.C. | PERSONS 1 | ARRIVE GTD
CLERK | R | CR | NR

LOEWS L'Enfant PLAZA
480 L'ENFANT PLAZA EAST S.W.
WASHINGTON D.C. 20024
(202) 484-1000

MEMO	DATE	REFERENCE	CHARGES	CREDITS	BAL.DUE	PICK UP

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 217

SEE OTHER SIDE FOR CODE
LAST BALANCE IS AMOUNT DUE

BILLING INSTRUCTIONS 18. HV 5h 7! 01 LDO

I AGREE TO BE PERSONALLY LIABLE IF THE INDICATED PERSON, FIRM OR CORPORATION FAILS TO PAY ANY OF THE ABOVE CHARGES.

GUEST'S SIGNATURE:
CHARGE TO:
ADDRESS
CITY STATE ZIP

IC 74

EXHIBIT 217 HOUSE

16183

CRIMINAL DOCKET

District Co... of the United States for the District of ...olumbia

(?) HG 62-120455 Vol. 5 ...ertified copy

Parties	Attorneys	Docket No.
UNITED STATES CASE CLOSED vs. 1. WILLIAM C. BRIDGE 2. ROBERT P. JOYNER 3. ROBERT G. KERSEY	U.S. Attorney #1-Saul Lichtenberg #2-T. Emmett McKenzie #3-H. Clifford Allder No. 1 & No. 2 C.J. No. 161-61, 162-61	202-61 Charge: HOUSEBREAKING, VIO. 22-3202 D. C. CODE ASSAULT ASSAULT WITH A DANGEROUS WEAPON Bond: 1. $ 2. $ 500.00 M.J.O'Neil 3. $ 500.00 W.P.Ryan 4. $ 5. $ 6. $

DATE	EACH	Proceedings
Feb	12	Presentment and Indictment filed (3 counts)
		No. 1: Copy of indictment given to defendant. Cert.filed.
		No.2 & No.3: Copy of indictment given to defendant. Cert.filed.
	16	No.2: RECOGNIZANCE of $500.00 taken with W.J.O'Neil, Surety, filed.
	16	No.1: ARRAIGNED, Plea Not Guilty entered.
		Defendant Remanded to the District of Columbia Jail.
		Bond fixed by the Court at $10,000.00 to cover cases 203, 204, 205
		Attorney Saul Lichtenberg present. LETTS, J. Cert.filed.
	16	No.2: ARRAIGNED, Plea Not Guilty entered.
		Appearance of T. Emmet McKenzie entered.
		Attorney T. Emmet McKenzie present. LETTS, J. Cert.filed.
	16	No.3: ARRAIGNED, Plea Not Guilty entered.
		Appearance of H. Clifford Allder entered.
		Attorney H. Clifford present. LETTS, J. Cert.filed.
MAY	23	Nos.1,3: Plea "NOT GUILTY" withdrawn;
		Plea GUILTY entered to Unlawful Entry and Simple Assault;
		No.2: Plea "NOT GUILTY" withdrawn;
		Plea GUILTY entered to Unlawful Entry;
		Each: Government's oral motion for leave to dismiss count three granted.
		No.1: Attorney Saul Lichtenberg present. No.2: T.Emmett McKenzie present.
		No.3: Attorney H.Clifford Allder present. EACH: LAWS,C.J. Cert.filed.

United States ... ...ict
EVIDENTIARY HEAR... ...
HOUSE MANAGERS' EXHIBIT 218

Cr. 202-51

CRIMINAL DOCKET

District Court of the United States for the District of Columbia

United States vs. WILLIAM C. DREDGE, et al Cr. No. 202-51 Supplemental Page No. 1

Date		Proceedings
1951 Jun	15	No.1: SENTENCED to Imprisonment for a period of Six (6) months on each count; said sentence by the counts to run concurrently; Attorney Saul Lichtenberg present. MATTHEWS,J.
		No.2: SENTENCED to Imprisonment for a period of Four (4) months; Execution of sentence suspended; Defendant placed on probation in charge of the Probation Officer of the Court for a period of One (1) year; Recog.$100.00 taken. Attorney T.Emmett McKenzie present. MATTHEWS,J.
		No.3: SENTENCED to Imprisonment for a period of Six (6) months; on each count; said sentence by the counts to run concurrently; Defendant committed to District of Columbia Jail. Commitment issu Attorney H.Clifford Allder present. MATTHEWS,J.
	18	No.1,3: Judgment and commitment of 6/15/51,filed. MATTHEWS,J.
		No.2: Judgment and Probation of 6/15/51,filed. MATTHEWS,J.
1952 May	7	No.2: Bench Warrant ordered and issued. LETTS,J. (Prob.Off.)
1959 Mar	25	No.2: ORDER of 3-24-59 WITHDRAWING Bench Warrant issued 5-7-52, filed. LETTS, C.J. (Prob.Off.)
1959Mar	25	No.2: Bench Warrant issued 5-7-52 returned unexecuted, withdrawn by Judge Letts on 3-25-59, filed.

CRIMINAL DOCK.

District Court of the United States for District of Columbia

Parties	Attorneys	Criminal No.
UNITED STATES CASE CLOSED vs. 1. WILLIAM C. DRIDGE 2. CLAUDE K. POPE 3. WILLIAM M. BARBOUR	U.S. Attorney #1-Saul Lichtenberg #2-Saul Lichtenberg #3-Josiah Lyman G.J. No. Orig.	203-51 Charge: ROBBERY VIO. 22-3202 D. C. CC Bond: 1. $ 2. $ 3. $ 4. $ 5. $ 6. $

Date 1951		EACH: Proceedings
Feb	12	Presentment and Indictment filed (1 count)
		EACH: Copy of indictment given to deft. Cert. filed.
		EACH: Defendant COMMITTED to the District of Columbia Jail. Commitment Issued.
	16	No.3: Appearance of Josiah Lyman entered.
	16	EACH: ARRAIGNED, Plea NOT GUILTY entered.
		Defendant remanded to the District of Columbia Jail.
		Bond fixed by the Court at $10,000.00 to cover all cases:
		No.1: Cases 202, 203,204,205-51.
		No.2: Cases 203,204,205,206-51.
		No.3: Cases 203,206-51.
		No. 1 & 2: Attorney Saul Lichtenberg present.
		No.3: Attorney Josiah Lyman present. LETTS, J. Cert.filed.
Mar	12	No.3: Plea Not Guilty withdrawn, Plea GUILTY entered to the indictment.
		Defendant remanded to the District of Columbia Jail.
		Case is referred to the Probation Officer of the Court.
		Attorney Josiah Lyman present. MORRIS, J. Cert.filed.

Contd. on Suppl. Page 1

Cr.203-51

CRIMINAL DOCKET

District C. . of the United States for the District of .dumbia

UNITED STATES vs. WILLIAM C. DRIDGE Cr.203-51 Supplemental Page No. 1

Date		Proceedings
1951 Apr	2	Nos.1,2: JURORS SWORN on Voir Dire; JURY SWORN: Clyde Anderson, Louise T. Hamilton, Otto F. Gavel, Emily H.Anderson, Elbert B. Harris, A.WileyGlassnire, Olivia Atwater, Juanita J. Dendridge, Alex Litman, Howard S.Grant,Jr., William J.Dickerson, Harry F.Grant
		No.2: Plea "NOT GUILTY" withdrawn; Plea GUILTY entered to indictment; Case referred to the Probation Officer of the Court; Defendant remanded to the District of Columbia Jail;
		No.1: VERDICT - NOT GUILTY; Defendant released; Release issued.
		Each: Attorney Saul Lichtenberg present. LETTS,J. Cert.filed.
May	18	No.3: SENTENCED to Imprisonment for a period of Three (3) years to Twelve (12) years; Attorney Josiah Lynn present. MORRIS,J.
	23	No.3: Judgment and commitment of 5/18/51,filed. MORRIS,J.
Jun	15	No.2: SENTENCED to Imprisonment for a period of Three (3) years to Twelve (12) years; Attorney Saul Lichtenberg present. MATTHEWS,J.
	18	No.2: Judgment and commitment of 6/15/51,filed. MATTHEWS,J.
1952 May	26	No.3: Defendant's motion to vacate sentence,filed.
Jun	10	No.3: Affidavit of Arthur J. McLaughlin, Asst. U.S.Attorney,filed. Opposition to motion to vacate sentence,filed.
1953 Jan	26	No.3: Motion to vacate sentence denied. Memorandum, filed. MORRIS,J.

CRIMINAL DOCKET

District C[illegible] of the United States for the District of [illegible]umbia

Parties	Attorneys	Criminal No.
UNITED STATES CASE CLOSED vs. 1. CLAUDE E. POPE 2. WILLIAM C. DREDGE	U.S. Attorney #1-Saul Lichtenberg #2-Saul Lichtenberg	204-51 Charge: ROBBERY VIO. 22-3202, D. C. CODE Bond: 1. $ 2. $ 3. $ 4. $ 5. $ 6. $
	G.J.No. Orig.	

Date		Proceedings
1952 Feb.	12	EACH: Presentment and Indictment filed EACH: Copy of indictment given to defendant. Cert. filed.
	16	EACH: Defendant COMMITTED to the District of Columbia Jail. Commitment Issued. No.1: ARRAIGNED, Plea Not Guilty entered. Defendant remanded to the District of Columbia Jail. Bond fixed by the Court at $10,000 to cover cases No. 203-51,204-51, 205-51,206-51. Attorney Saul Lichtenberg present. LETTS, J. Cert.filed.
	16	No.2: ARRAIGNED, Plea Not Guilty entered. Defendant remanded to the District of Columbia Jail. Bond fixed by the Court at $10,000 to cover cases Nos. 202,203,204,205-51.
May	23	Attorney Saul Lichtenberg present. LETTS, J. Cert.filed. No.1: Plea "NOT GUILTY" withdrawn; Plea GUILTY entered; Case referred to the Probation Officer of the Court; Defendant remanded to the District of Columbia Jail;
Jun	15	attorney Saul Lichtenberg present. LAMB,C.J. Cert.filed. No.1: SENTENCED to Imprisonment for a period of Three (3) years to Twelve (12) years; said sentence to run concurrently with sentence imposed in Cr.No.203-51. Attorney Saul Lichtenberg present. MATTHEWS,J.

Contd. on Suppl. Page 1

Cr.204-51

CRIMINAL DOCKET

District Court of the United States for the District of Columbia

United States vs. CLAUDE K. POPE, et al Cr. No. 204-51 Supplemental Page No. 1

Date		Proceedings
1951 Jun	15	No.2: Government's oral motion for leave to dismiss granted. Dismissal entered. Release issued. Defendant released. Attorney Saul Lichtenberg present. MATTHEWS,J. Cert.filed.
	18	No.1: Judgment and commitment of 6/15/51,filed. MATTHEWS,J.

CRIMINAL DOCKET

District Court of the United States for District of Columbia

Parties	Attorneys	Criminal No.
UNITED STATES Case Closed vs. 1. CLAUDE K. POPE 2. WILLIAM C. DREDGE	U.S. Attorney #1-Saul Lichtenberg #2-Saul Lichtenberg	205-51 Charge: ROBBERY VIO. 22-3202, D. C. Bond: 1. $ 2. $ 3. $ 4. $ 5. $ 6. $
	G. J. No. Orig.	

Date		EACH: Proceedings
1951 Feb	12	Presentment and Indictment filed (1 count)
		EACH: Copy of indictment given to defendant. Cert.filed.
		EACH: Defendant COMMITTED to the District of Columbia Jail. Commitment Issued.
	16	No.1: ARRAIGNED, Plea Not Guilty entered.
		Defendant remanded to the District of Columbia Jail.
		Bond fixed by the Court at $10,000, to cover cases Nos. 203-51,204-51 205-51,206-51.
		Attorney Saul Lichtenberg present. LETTS, J. Cert.filed.
	16	No.2: ARRAIGNED, Plea Not Guilty entered.
		Defendant remanded to the District of Columbia Jail.
		Bond fixed by the Court at $10,000 to cover cases Nos. 202-51, 203-51 204-51,205-51.
		Attorney Saul Lichtenberg present. LETTS, J. Cert.filed.
Jun	15	Each: Government's oral motion for leave to dismiss granted.
		Dismissal entered. Defendant released. Release issued.
		Attorney Saul Lichtenberg present. MATTHES, J. Cert.filed.

CRIMINAL DOCKET

United States District Court for the District of Columbia

CASE CLOSED

PARTIES	ATTORNEYS	U. S. No.	CRIMINAL NO.
UNITED STATES	U. S. ATTORNEY SMITHSON		
vs.			[illegible]
1. HARVEY M. BYRD	C. William Taylor	270-55	
2. WILLIAM C. DREDGE	Saul G. Lichtenberg	150-55	CHARGE:
3. HAROLD G. IVES	Edmond T. Daly	286-55	VIO. T.18, USC, SEC. 371,2314, VIO. T.22, DCC, SEC. 1401,1301
4. REFORD J. McCLENDON		Orig.	
		1.	1-1-55 $2500.00 N.W.Robinson

DATE		No.1,2,3,4: PROCEEDINGS
1955 Apr	7	INDICTMENT AND DOCKET FILED (25 counts)
		No.1,2,3: Copy of indictment given to deft. Cert.filed.
	18	No.1: ARRAIGNED, Plea NOT GUILTY entered
		Deft. REMANDED to the District of Columbia Jail.
		Appearance of C.W.Taylor entered and filed.
		Attorney C.W.Taylor present;
		LAWS, C.J. (Reporter-Minier) Cert. filed.
		No.2: ARRAIGNED, Plea NOT GUILTY entered.
		Defts. Oral Motion for a reduction of Bond heard and DENIED;
		Deft. remanded to the District of Columbia Jail;
		Appearance of Saul G. Lichtenberg entered and filed;
		Attorney Saul G. Lichtenberg present.
		LAWS, C.J. (Reporter - Minier) Cert. filed.
		No.3: ARRAIGNED, Plea NOT GUILTY ENTERED;
		Deft. on Bond;
		LAWS, C.J. (Reporter - Minier) Cert. filed.
		No.4: BENCH WARRANT ORDERED AND ISSUED.
	21	No.3: APPEARANCE of Edmond T. Daly entered.

Continued on Suppl. page 1:

CRIMINAL DOCKET

United States District Court for the District of Columbia

1. HARVEY M. BYRD
2. WILLIAM C. DREDOR
3. HAROLD G. IVES
4. RECORD J. MACLEDOR

United States vs.

Cr. No. 977-55 Supplemental Page No. 1

Date		Proceedings
1955 May	4	No.1: Plea NOT GUILTY withdrawn, Plea GUILTY entered to counts 1,8, and 9; Case referred to the Probation officer of the Court. Deft. remanded to the District of Columbia Jail. Attorney C.W. Taylor, present: LAWS, C.J. (Reporter-Powell) Cert. filed.
Jun	20	No.2: Plea Not Guilty withdrawn. Plea GUILTY entered to Counts 1 (Sec.171) and Counts 2 & 3 (Sec.211a): Case is REFERRED to the Probation Officer of the Court: Defendant remanded to the District of Columbia Jail: Attorney Saul G. Lichtenberg present. LAWS, C.J. (Reporter-Powell) Cert.filed.
Jun	20	No.3: Plea Not Guilty withdrawn. Plea GUILTY entered to Counts 1 (Sec. 171) and Counts 11 & 13 (Sec. 1h01): Case is REFERRED to the Probation Officer of the Court: Deft. committed to the District of Columbia Jail. Commitment Issued: Attorney Edmond T. Daly present. LAWS, C.J. (Reporter-Powell) Cert.filed.
Jul	8	No.1 - HARVEY M. BYRD: SENTENCED to imprisonment for a period of Twenty (20) months to Five (5) years. Court recommends commitment to an institution where the defendant will be able to receive appropriate psychiatric treatment. Government's Oral motion for leave to dismiss remaining counts is by the Court granted. Deft. remanded to the District of Columbia Jail. Attorney C. W. Taylor present. MORRIS, J. (Reporter-Milburn)
Jul	8	No.3 - HAROLD G. IVES: SENTENCED to imprisonment for a period of Six (6) months to Two (2) years. Court recommends commitment to Chillicothe, Ohio. Government's Oral motion for leave to dismiss remaining counts is by the Court granted. Deft. remanded to the District of Columbia Jail. Attorney E. T. Daly present. MORRIS, J. (Reporter-Milburn)

(CONT'D. ON SUPPL. PAGE 2)

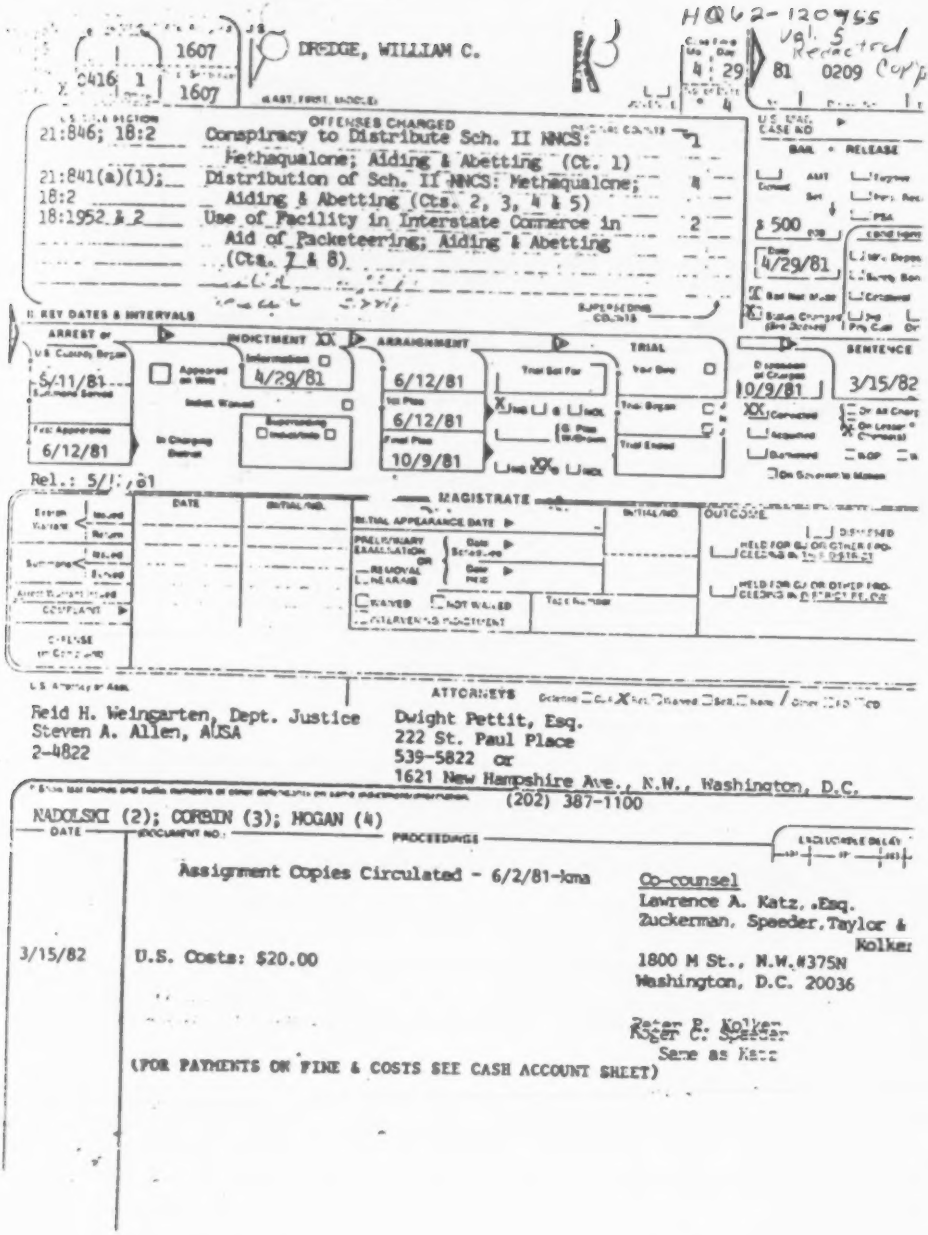
CRIMINAL DOCK

United States District Court for th[illegible]istrict of Columbia

1. HARVEY N. BYRD
2. WILLIAM C. DREDGE
3. HAROLD G. [illegible]
4. REFORD J. McCLENDON

United States vs. [illegible] Cr. No. 357-55 Supplemental Page No. 2

Date			Proceedings
1955	Jul	12	No.1,3: Judgment & Commitment of 7-8-55, filed. MORRIS, J. Re-Misc 7-22-55
	Jul	15	No.1: ORDER for return of property, filed. KEECH, J.
	Jul	18	No.2: - WILLIAM C. DREDGE:
			SENTENCED to imprisonment for a period of
			Twenty (20) months to Five (5) years;
			Court recommends commitment to an institution other than
			where co-defendant Harvey N. Byrd is to be committed.
			Government's Oral motion for leave to dismiss remaining counts
			is by the Court granted;
			Deft. remanded to the District of Columbia Jail;
			Attorney Saul G. Lichtenberg present.
			MORRIS, J.- (Reporter-MacReynolds)
	Jul	21	No.2: Judgment & Commitment of 7-18-55, filed. MORRIS, J.
	Aug	16	No.3: Motion of deft. for Reduction of Sentence, Affidavits (2), filed.
			Cert. of Serv.
	Oct	7	No.3: Motion for reduction of sentence heard and denied.
			Deft. Remanded to the District of Columbia Jail;
			Attorney A. M. Goldstein present.
			MORRIS, J. (Reporter-Harrison) Cert. filed.
1956	Jun	11	No.4: Defendant's consent to transfer of case to the Northern District of
			California at San Francisco, California under Rule 20, filed.
	Jun	19	No.4:- REFORD J. McCLENDON:
			Case TRANSFERRED to the NORTHERN DISTRICT of CALIFORNIA at
			San Francisco, California pursuant to RULE 20, FEDERAL RULES of
			CRIMINAL PROCEDURE. PIKE, J.
	Jun	22	No.4 - REFORD J. McCLENDON:
			Letter acknowledging receipt of certified copy of the indictment and
			defendant's consent to transfer of case to the Northern District
			of California at San Francisco, California, filed.



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1607 | 1607 | 0416 | 1 | DREDGE, WILLIAM C.

4 | 29 | 81 | 0209

OFFENSES CHARGED		
21:846; 18:2	Conspiracy to Distribute Sch. II NNCS: Methaqualone; Aiding & Abetting (Ct. 1)	1
21:841(a)(1); 18:2	Distribution of Sch. II NNCS: Methaqualone; Aiding & Abetting (Cts. 2, 3, 4 & 5)	4
18:1952 & 2	Use of Facility in Interstate Commerce in Aid of Racketeering; Aiding & Abetting (Cts. 7 & 8)	2

BAIL - RELEASE: $ 500 PSB; Date 4/29/81

KEY DATES & INTERVALS

ARREST or: 5/11/81
Appeared on Writ: 4/29/81
Fed. Appearance: 6/12/81
INDICTMENT XX | Information
ARRAIGNMENT: 6/12/81 (1st Plea) 6/12/81 (Final Plea) 10/9/81
TRIAL
SENTENCE: 10/9/81 | 3/15/82

Rel.: 5/[illegible]/81

MAGISTRATE

ATTORNEYS

Reid H. Weingarten, Dept. Justice
Steven A. Allen, AUSA
2-4822

Dwight Pettit, Esq.
222 St. Paul Place
539-5822 or
1621 New Hampshire Ave., N.W., Washington, D.C.
(202) 387-1100

NADOLSKI (2); CORBIN (3); HOGAN (4)

DATE	PROCEEDINGS
	Assignment Copies Circulated - 6/2/81-kma
3/15/82	U.S. Costs: $20.00

Co-counsel
Lawrence A. Katz, Esq.
Zuckerman, Speeder, Taylor & Kolker
1800 M St., N.W. #375N
Washington, D.C. 20036

Peter B. Kolker
Roger C. Speeder
Same as Katz

(FOR PAYMENTS ON FINE & COSTS SEE CASH ACCOUNT SHEET)

1981	W. PROCEEDINGS CONTINUED	STAO
April 29	(1) Indictment for violation of U.S.C., Title 21, Sections 846 and 841(a)(1) and Title 18, Sections 1952 and 2 (Conspiracy to Distribute Sch. II NWCS: Methaqualone; Distribution of Sch. II NWCS: Methaqualone; Interstate Travel in Aid of Racketeering; Use of Facility in Interstate Commerce in Aid of Racketeering; Aiding & Abetting).	
" "	(2) Motion of United States to "SEAL" Indictment Pursuant to Rule 6(e), Federal Rules of Criminal Procedure, and Order (Thomsen, J.) thereon as prayed.	
" "	(3) Request of United States Attorney for issuance of Bench Warrant as to Defendant DREDGE, Recommendation as to Bail, and Order (Thomsen, J.) thereon as prayed.	
" 30	(4) Bench Warrant as to Defendant DREDGE issued. (Executed 5/11/81)	
May 4	(5) Request of United States Attorney for issuance of Bench Warrant as to Defendant HOGAN, Recommendation as to Bail, and Order (Thomsen, J.) thereon as prayed.	
" "	(6) Bench Warrant as to Defendant HOGAN issued. (Detainer filed in Fla. 6/18/81)	
" 14	(7) Writ of Habeas Corpus as to Defendant CORBIN and Order (Goetz, U.S. Magis.,) directing issuance of said Writ as prayed.	
" 15	(8) Writ of Habeas Corpus as to Defendant NADOLSKI and Order (Rosenberg, U.S. Magis.,) directing issuance of said Writ as prayed (Executed: 5/22/81)	
" 20	(9) Order (Palermo, U.S. Magis., S. District. Fla.,) dated 5/11/81, that Defendant DREDGE execute unsecured bond in the amount of $500,000.00 with conditions as therein set forth, and attachments.	
MicroFilmed Date JUN 2 1981		
" "	(10) Recognizance as to Defendant DREDGE dated 5/11/81.	
" "	(11) Appearance of Jesse J. McCrary, Jr., Esq. as Counsel on behalf of Defendant DREDGE.	
" "	(12) Waiver of Defendant DREDGE of Removal Hearing.	
" "	(13) Order of Removal (Palermo, U.S. Magis.,S. Dist., Fla.,) dated 5/14/81 as to Defendant DREDGE.	

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	CD NUMBER	DATE	RECEIPT NUMBER	CD NUMBER

UNITED STATES DIST[illegible] COURT
CRIMINAL DOCKET [illegible] S VI

WILLIAM C. DREDGE, et al

PAGE [illegible]
K-81-
Vs.

DATE 1981		PROCEEDINGS (continued) (Document No.)	V. EXCLU (a)
May	22	(14) Order (Rosenberg, U.S. Magis.) UNSEALING Indictment.	
"	26	(15) Motion and Order (Kaufman, J.) Continuing Arraignment as to Defendant CORBIN from 5/29/81 to 6/12/81.	
"	29	—— Arraignment of Defendant NADOLSKI postponed. See memo in file.	2 6-12
"	"	(16) Writ of Habeas Corpus as to Defendant CORBIN and Order (Rosenberg, U.S. Magis.,) directing issuance of said Writ as prayed.	
June	2	(17) Financial Affidavit of Defendant CORBIN.	
"	"	(18) Order (Rosenberg, U.S. Magis.,) "APPOINTING" Federal Public Defender as Counsel on behalf of Defendant CORBIN.	
"	"	(19) Appearance of Paul F. Kemp, AFPD, as counsel on behalf of Defendant CORBIN.	
"	"	—— Defendant CORBIN arraigned and plead "NOT GUILTY" as to Count No. 1, before Rosenberg, U.S. Magis.	
"	"	(20) Memorandum (Rosenberg, U.S. Magis.) re: conditions of release not set as to Defendant CORBIN for reasons as therein set forth.	
"	3	—— Arraignment of Defendant NADOLSKI postponed. See Memo on file.	
"	4	(21) Writ of Habeas Corpus Ad Prosequendum as to Defendant HOGAN, and Order (Klein, U.S. Magis.) thereon directing issuance of said Writ as prayed. (Unexecuted)	
"	10	(22) Letter from Counsel for Defendant CORBIN to Court dated June 1, 1981, re: Scheduling of Arraignment.	
"	12	(23) Appearance of Dwight Pettit, Esq., as counsel on behalf of Defendant DREDGE.	
"	"	—— Defendant DREDGE arraigned and plead "Not Guilty" as to each of Count Nos. 1,2,3,4,5, 7, and 8 before Rosenberg, U.S. Magis.	
"	"	—— Arraignment as to Defendant HOGAN postponed. See memo on file.	
"	"	(24) Appearance of Allen B. Rabineau, Esq., as counsel on behalf of Defendant NADOLSKI.	
"	"	(25) Financial Affidavit of Defendant NADOLSKI.	
"	"	——Arraignment as to Defendant NADOLSKI postponed. See memo on file.	6-12
"	"	—— Pretrial Conference held before Kaufman, C.J.	

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

WILLIAM C. DREDGE
CRIMINAL NO. K-81-0209

DATE 1981		PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY (a)	(b)	(c)	(d)
June	17	---- Arraignment as to Defendant NADOLSKI postponed. See memo on file.				
"	"	(26) Motion of Defendant CORBIN to Dismiss Indictment, and Request for Hearing. (c/s)				
"	18	(27) Motion of Defendant CORBIN to Suppress Tangible Evidence, Points and Authorities, and Request for Hearing. (c/s)				
"	"	(28) Motion of Defendant CORBIN for Severance of Trial, Points and Authorities, and Request for Hearing. (c/s)				
"	19	---- Defendant NADOLSKI arraigned and plead "Not Guilty" as to All Counts before Kaufman, C.J.				
"	"	(29) Appearance of Will Abercrombie, Jr., Esq., as counsel on behalf of Defendant NADOLSKI for arraignment purposes only.				
"	"	(30) Order (Kaufman, C.J.) that Defendant NADOLSKI execute a Secured Bond in the amount of $500,000.00 with conditions as therein set forth.				
"	24	(31) Writ of Habeas Corpus Ad Prosequendum as to Defendant HOGAN and Order (Goetz, U.S. Magis.) directing issuance of said Writ as prayed.				
"	"	(32) Letter from Dr. Wayne S. Berry, ECJ., to the Court re: Medical treatment of Defendant NADOLSKI.				
"	29	(33) Motion of Defendant DREDGE for Bill of Particulars, and Request for Hearings. (c/s)				
"	"	(34) Motion of Defendant DREDGE for Severance. (c/s)				
"	"	(35) Motion of Defendant DREDGE for Discovery, and Request for Hearing. (c/s)				
"	30	(36) Appearance of Edward Reif, Esq., as counsel on behalf of Defendant. Hogan				
"	"	---- Defendant HOGAN arraigned and plead "Not Guilty" as to Count No. 1 before Rosenberg, U.S. Magis.				
"	"	as to Defendant HOGAN ---- Bail/not set in light of Defendant's present service of Florida sentence and federal charges in Philadelphia.				
July	2	---- Pretrial Conference held before Kaufman, C.J.				
July	8	(37) Writ of Habeas Corpus Ad Prosequendum as to Defendant HOGAN and Order (Smalkin, U.S. Magis.) directing issuance of said Writ as prayed.				
"	"	(38) Writ of Habeas Corpus Ad Prosequendum as to Defendant NADOLSKI and Order (Smalkin, U.S. Magis.) directing issuance of said Writ as prayed. (Executed)				

UNITED STATES DIST[illegible] COURT
CRIMINAL DOCKET

WILLIAM C. DREDGE, et al

DATE 1981	PROCEEDINGS (continued) (Document No.)
July 8	(39) Writ of Habeas Corpus Ad Prosequendum as to Defendant CORBIN and Order (Smalkin, U.S. Magis.) directing issuance of said Writ as prayed. (Unexecuted)
" 17	(40) Writ of Habeas Corpus as to Defendant NADOLSKI and Order (Kaufman, C.J.) directing issuance of said Writ as prayed.
" "	(41) Letter to Court from AFPD Kemp dated 7/13/81 re: Waiver of Defendant CORBIN of right to be present at hearing scheduled for 7/17/81.
" "	(42) Appearance of Roger C. Spaeder, Esq., as counsel on behalf of Defendant DREDGE.
" "	—— Hearing held before Kaufman, C.J., on representation of counsel and pending motions.
" "	(43) Order (Kaufman, C.J.) "SEALING" document as therein set forth.
" "	—— Hearing not concluded.
" "	(44) Order (Kaufman, C.J.) "EXCLUDING" time from 5/22/81 to 6/30/81 and from 6/30/81 to 8/21/81 pursuant to 18:3161(h) as to all Defendants.
" 20	(45) Appearance of Steven A. Wilder, Esq., as counsel on behalf of witness, Albert Paul Benton.
" "	(46) Appearance of Will Abercrombie, Esq., as counsel on behalf of Defendant NADOLSKI for purpose of waiver hearing only.
" "	—— Hearing before Kaufman, C.J., continued from July 17, 1981.
" "	—— Oral Order (Kaufman, C.J.) directing Allen B. Rabineau, Esq., to continue as counsel for Defendant NADOLSKI.
" "	—— Hearing not concluded - To be continued at later date.
" 30	(47) Supplemental Memorandum of Defendant CORBIN in Support of Motion of Said Defendant to Dismiss Indictment, and attachments. (c/s)
" "	(48) Appearance of Lawrence A. Katz, Esq., as counsel on behalf of Defendant DREDGE.
Aug. 7	(49) Motion of all Defendants for Discovery, and Memorandum. (c/s)

AO 256A

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

UNITED STATES OF AMERICA vs.
WILLIAM C. DREDGE, et al
Criminal No. K-81-0209

DATE 1981	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY (a) (b)
Aug. 7	(50) Motion of all Defendants for a Hearing to Determine the Admissibility of Extrajudicial Declarations of Co-conspirators, and Memorandum. (c/s)	
" "	(51) Motion of all Defendants for Discovery of Electronic Surveillance, Request for Hearing, Exhibit A, and Memorandum. (c/s)	
" "	(52) Motion of all Defendants for a Bill of Particulars RE: Anglin-Corbin Overt Acts, and Memorandum. (c/s)	
" "	(53) Motion of all Defendants for Election of Charges and Severance in Count One, and Memorandum. (c/s)	
" "	(54) Motion of Defendant DREDGE to Return Seized Property and Suppress Evidence, and Memorandum. (c/s)	
" "	(55) Motion of Defendant NADOLSKI to Suppress Intercepted Communications, and pen register, Points and Authorities, and Request for Hearing. (c/s)	
" 10	(56) Motion of Defendant HOGAN for Severance and Memorandum. (c/s)	
14	(57) Writ of Habeas Corpus Ad Prosequendum as to Defendant CORBIN and Order (Rosenberg, U.S. Magis.,) directing issuance of said Writ as prayed. (Executed)	
" "	Pretrial conference held before Kaufman, C.J.	
" 17	(58) Writ of Habeas Corpus Ad Testificandum as to Defendant NADOLSKI and Order (Smalkin, U.S. Magis.,) directing issuance of said Writ as prayed. (Executed)	
" "	(59) Letter from Edward Reif, Esq., counsel on behalf of Defendant HOGAN, to the Court re: Permission not to have Defendant attend the argument on the Motions.	
" 18	(60) Opposition of United States to Motion of Defendants for a Hearing to Determine the Admissibility of extra-judicial declarations of co-conspirators. (c/s)	
" "	(61) Opposition of United States to Motion of Defendants for Bill of Particulars and Discovery. (c/s)	
" "	(62) Motion of United States for Handwriting Exemplars. (c/s)	
" "	(63) Answer of United States to Motion of Defendants for Discovery of Electronic Surveillance. (c/s)	
" "	(64) Opposition of United States to Motion of Defendant DREDGE to return seized property. (c/s)	
" "	(65) Opposition of United States to Motion of Defendants for Election of Charges and Severance. (c/s)	

AO 256A

UNITED STATES DIST[illegible] COURT
CRIMINAL DOCKET [illegible] WILLIAM C. DREDGE, et al

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DATE 1981	PROCEEDINGS (continued) (Document No.)	V. EXCLU (a)
Aug. 19	(66) Opposition of United States to motion of Defendant CORBIN to Dismiss Indictment and Exhibits 1,2,3,4 and 5. (c/s)	
" 21	— Hearing continued from July 20, 1981, before Kaufman, C. J.	
" "	— Argued and held Sub-Curia.	
" 25	(67) Writ of Habeas Corpus Ad Prosequendum as to Defendant HOGAN and Order (Smalkin, U.S. Magis.) directing issuance of said Writ as prayed. (Executed)	
" "	(68) Writ of Habeas Corpus Ad Prosequendum as to Defendant NADOLSKI and Order (Smalkin, U.S. Magis.) directing issuance of said Writ as prayed.	
" 31	(69) Memorandum and Order (Kaufman, C.J.) dated August 21, 1981, (1) that Motions of Defendant HOGAN have become "MOOT" for reasons stated in open court on August 21, 1981; (2) "SEVERING" Defendant CORBIN from trial of Defendants DREDGE & NADOLSKI; that Motions of Defendant CORBIN to Suppress Tangible Evidence and to Dismiss Indictment are held "Sub-Curia; (3) that Motions of Defendants DREDGE and NADOLSKI for Severance are "MOOT" or "WITHDRAWN;" (4) that Motions of Defendants DREDGE and NADOLSKI requiring government to elect charges and to proceed in two separate trials are "DENIED" and that Motion of Defendant CORBIN for election of charges is held "Sub-Curia;" (5) that Motion of Defendant NADOLSKI to Suppress intercepted communications has become "MOOT." If said Defendant is going to press this Motion, he is to notify the Court as therein set forth; (6) that Motion of Defendants DREDGE, NADOLSKI, and CORBIN for a pretrial hearing to determine admissibility of extra-judicial declarations has become "MOOT;" (7) that the Government submit requested information as therein set forth with regard to eletronic surveillance of Defendants; (8) that the Motion of Defendant DREDGE for the return of seized property and suppression of evidence is held Sub-Curia with respect to return of an automobile, etc.; (9) that the Motion of the Government that Defendant DREDGE submit handwriting exemplars is "GRANTED" as therein set forth; (10) that the Motion of Defendants DREDGE and NADOLSKI for Particulars is "MOOT", etc. (c/m-8/27/81-lcma)	
Sept. 3	(70) Appearance of A. Samuel Peregoff, Esq., as additional counsel on behalf of Defendant NADOLSKI.	
" "	(71) Memorandum from Court to Counsel of all Defendants confirming Memorandum and Order (Kaufman, C.J.) dated August 21, 1981.	

AO 256A

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

DATE 1981	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DEL (a)	(b)	(c)
Sept. 8	Defendant HOGAN rearraigned and plead "GUILTY" as to Count No. 1 which was accepted by the Court before Kaufman, C.J.			
" "	——Imposition of sentence suspended pending presentence investigation as to Defendant HOGAN.			
" 10	Defendant NADOLSKI rearraigned and plead "Guilty" as to Count No. 1 and "Not Guilty" as to each of Count Nos. 2, 3,4,5,6, 7, and 8 before Kaufman, C.J. Rearraignment not concluded			
" "	—— Imposition of sentence suspended pending presentence investigation as to Defendant NADOLSKI			
" "	(72) Writ of Habeas Corpus Ad Prosequendum as to Defendant NADOLSKI and Order (Klein, U.S. Magis.) directing issuance of said Writ as prayed. (Executed)			
" 11	(73) Writ of Habeas Corpus Ad Prosequendum as to Defendant NADOLSKI and Order (Rosenberg, U.S. Magis.) directing issuance of said Writ as prayed.			
" 14	— Defendant NADOLSKI rearraigned and plead "Guilty" as to Count No. 1 and "Not Guilty" as to Counts No. 2,3,4,5, 6,7, and 8 which was accepted by the Court before Kaufman, C.J.			
" "	(74) Letter from S. Allen, AUSA, to the Court re: Scheduling of trial.			
" 16	(75) Writ of Habeas Corpus as to Defendant NADOLSKI and Order (Rosenberg, U.S. Magis.) directing issuance of said Writ as prayed.			
Sept. 21	(76) Order (Kaufman, J.) dated August 17, 1981, directing Official Court Reporter to prepare transcript of proceedings as therein set forth.			
" "	(77) Excerpt from Transcript of Proceedings before the Court (Kaufman, C.J.) on July 20, 1981.			
" 28	(78) JUDGMENT(A) Def. HOGAN The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of one (1) year and one (1) day; Said sentence to run consecutively to the five (5) year sentence imposed by the State of Florida and concurrently with the six (6) months sentence imposed by the U.S.District Court, Eastern District of Pennsylvania. Defendant shall become eligible for parole under Title 18, U.S.C., Section 4205(b)(2), at such time as the U.S. Parole Commission may determine, Order (Kaufman, J.) dated 9-22-81)			

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Date SEP 28 1981

AO 214A

UNITED STATES DIST[illegible] COURT
CRIMINAL DOCKET

[illegible] WILLIAM C. DREDGE, et al

K-81-C

DATE 1981	PROCEEDINGS (continued) (Document No.)	V. EXCLU (a)
Sept. 28	(79) Writ of Habeas Corpus as to Defendant CORBIN and Order (Rosenberg, U.S. Magis.) dated September 25, 1981, directing issuance of said Writ as prayed. (	
Oct. 9	—— Defendant DREDGE rearraigned and plead "Guilty" as to Count No. 1 and "Not Guilty" as to each of Count Nos. 2,3,4,5,7 and 8 which was accepted by the Court before Kaufman, C.J.	
" "	—— Imposition of sentence suspended pending presentence investigation as to Defendant DREDGE.	
" 16	(80) See Return of Service as to Defendant HOGAN. (Pleading No.6)	
" "	(81) Writ of Habeas Corpus as to Defendant NADOLSKI, and Order (Smalkin, U.S. Magis.) thereon directing issuance of said Writ as prayed, dated October 15, 1981.	
" 19	—— NOLLE PROSEQUI ENTERED BY UNITED STATES ATTORNEY IN OPEN COURT AS TO EACH OF COUNT NOS. 2, 3, 4, 5, 6, 7, and 8, INCLUSIVE WHICH WAS ACCEPTED BY THE COURT AS TO DEFENDANT NADOLSKI.	
" 22	(82) JUDGMENT AS TO DEFENDANT NADOLSKI: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of five (5) years as to Count No. 1. Order (Kaufman, C.J.) dated October 19, 1981.	
MicroFilmed Date OCT 23 1981	EXECUTED - SEE BACK OF COMMITMENT	
" 23	(83) SEALED	
"	(84) Order (Kaufman, C.J.) "SEALING" document as therein set forth.	
" 30	(85) Writ of Habeas Corpus as to Defendant NADOLSKI and Order (Smalkin, U.S. Magis.) dated October 26, 1981, directing issuance of said Writ as prayed. (	
Nov. 12	(86) Letter from Paul F. Kemp, AFPD, to Court dated October 30, 1981, re: Opinion of U.S. Court of Appeals, Fourth Circuit as to Defendant CORBIN. (c/m-11/10/81-ij)	
Dec. 18	(87) Letter from Court to counsel re: Fourth Circuit decision concerning outstanding charges against Defendant CORBIN.	
" 31	(88) Letter from Paul F. Kemp, AFPD to Court dated December 30, 1981, re: Pending Motion of Defendant CORBIN to Dismissing the Indictment for Violation of the Double Jeopardy Clause of the Fifth Amendment.	

AO 256A

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

DATE 1982	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELA (a)	(b)	(c)
Jan. 19	(89) Letter from Court to Counsel and Mr. Bennett, FPD, re: Briefing on issues in regards to Motion of Defendant CORBIN to dismiss. (c/m-1/20/82-ij)			
" 28	--- Pretrial Conference held before Kaufman, J.			
Feb. 5	(90) Proffer of Facts of United States. (c/s)			
" 25	(91) Order of United States Attorney "DISMISSING" the Indictment herein as to Defendant CORBIN with Leave of Court (Kaufman, C.J.) thereon.			
Mar. 15	(92) Appearance of Reid H. Weingarten, Esq., as counsel on behalf of United States.			
" "	(93) Appearance of Peter R. Kolker, Esq., as counsel on behalf of Defendant DREDGE.			
" "	--- COUNTS NOS. 2, 3, 4, 5, 7 and 8 ARE HEREBY NOLLE PROSSED as to defendant DREDGE.			
" "	(94) JUDGMENT AS TO DEFENDANT DREDGE: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of five (5) years and fined the sum of fifteen thousand dollars ($15,000.00) as to Count No. 1. Service of the sentence of imprisonment is hereby suspended and the defendant is placed on probation for a period of five (5) years. As one of the conditions of probation, the defendant shall perform a maximum of 500 hours of community service during the said five-year term of probation. The defendant is to pay court costs.			
Apr. 15	(95) Excerpt from Transcript of Proceedings before Kaufman, C.J., dated September 10, 1981. (Filed separately)			
Oct. 14	(96) Letter from Court to Defendant NADOLSKI re: Request of Defendant to visit wife.			
1983				
May 26	(97) Motion of Def. HOGAN for Reduction of Sentence pursuant to Rule 35 FRCP.			
" "	(98) Memorandum and Order (Kaufman, C.J.) dated 5/24/83, DENYING Motion of Def. HOGAN for reduction or modification of sentence. (c/m-5/26/83-kms)			

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Date MAR 1 1982

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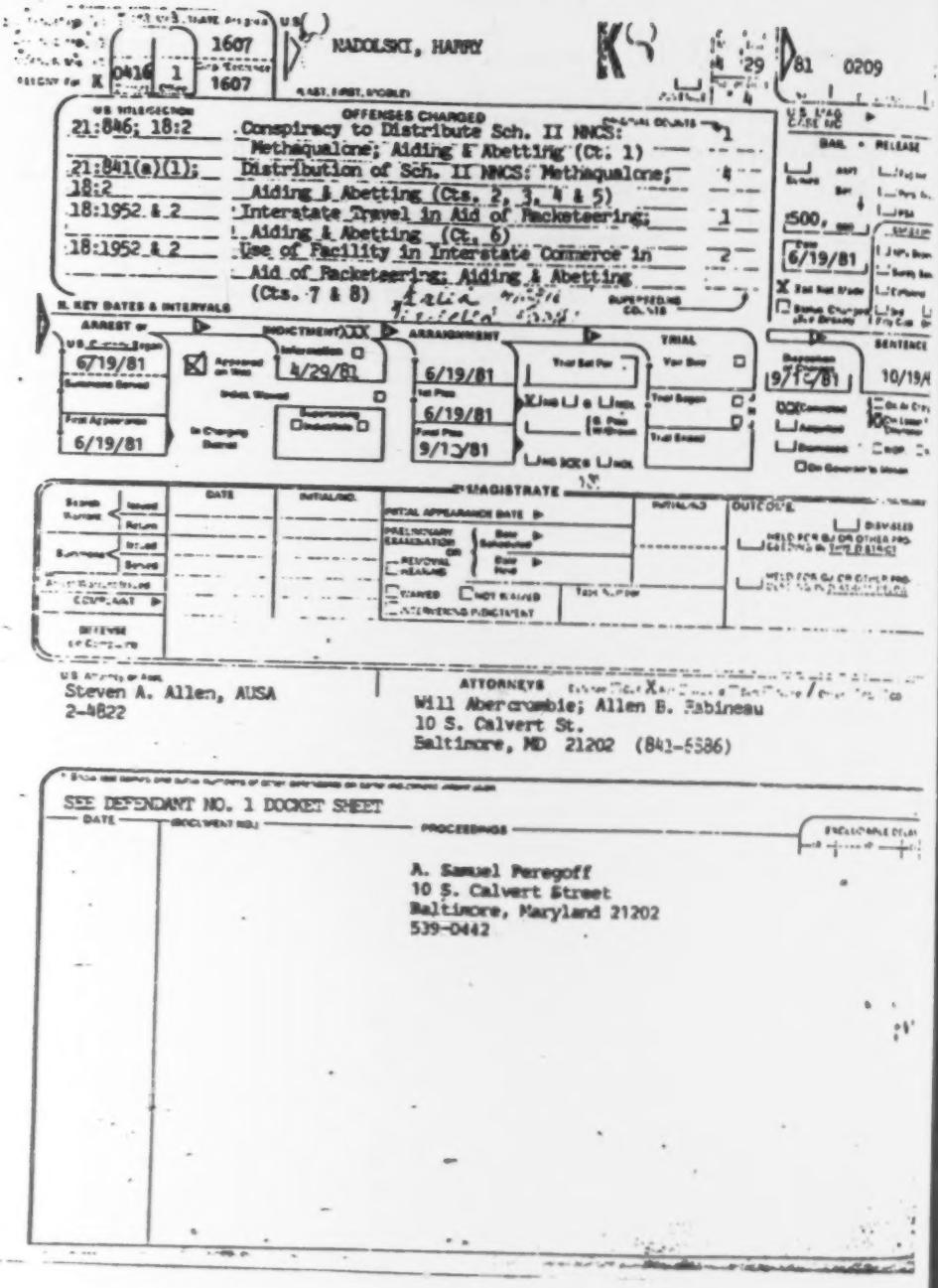
Date MAR 15 19
JUN 8 1983

AO 256A

CRIMINAL DOCKET — WILLIAM C. DREDGE, et al — R-31-

DATE 1983	PROCEEDINGS (continued) (Document No.)	V. EXCLUD (a)	(b)
Sept. 15	(99) Motion of Def. HOGAN for Reduction of Sentence.		
" 29	(100) Order (Kaufman, C.J.) "DENYING" Motion of Def. HOGAN for Reduction of Sentence. (c/m-10/3/83-lma)		



1607
0416 1
1607
NADOLSKI, HARRY
29 81 0209

18 USC SECTION	OFFENSES CHARGED	ORIGINAL COUNTS
21:846; 18:2	Conspiracy to Distribute Sch. II NNCS: Methaqualone; Aiding & Abetting (Ct. 1)	1
21:841(a)(1); 18:2	Distribution of Sch. II NNCS: Methaqualone; Aiding & Abetting (Cts. 2, 3, 4 & 5)	4
18:1952 & 2	Interstate Travel in Aid of Racketeering; Aiding & Abetting (Ct. 6)	1
18:1952 & 2	Use of Facility in Interstate Commerce in Aid of Racketeering; Aiding & Abetting (Cts. 7 & 8)	2

U.S. CASE NO.

BAIL • RELEASE
$500,
6/19/81
X Bail Not Made

II. KEY DATES & INTERVALS

ARREST or
6/19/81
First Appearance
6/19/81

INDICTMENT/XX
Information
4/29/81

ARRAIGNMENT
6/19/81
6/19/81
9/13/81

TRIAL

DISPOSITION
9/13/81

SENTENCE
10/19/81

	DATE	INITIALS
Search Warrant Issued		
Search Warrant Returned		
Summons Issued		
Summons Served		
COMPLAINT		
RELEASE (or Detention)		

MAGISTRATE

INITIAL APPEARANCE DATE
PRELIMINARY EXAMINATION Date Scheduled / Date Held
REMOVAL HEARING
WAIVED NOT WAIVED
INDICTMENT/INFORMATION

INITIALS

OUTCOME
DISMISSED
HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
HELD FOR GJ OR OTHER PROCEEDING IN ANOTHER DISTRICT

U.S. Attorney or Asst.
Steven A. Allen, AUSA
2-4822

ATTORNEYS
Will Abercrombie; Allen B. Fabineau
10 S. Calvert St.
Baltimore, MD 21202 (842-6586)

SEE DEFENDANT NO. 1 DOCKET SHEET

DATE	DOCUMENT NO.	PROCEEDINGS

A. Samuel Peregoff
10 S. Calvert Street
Baltimore, Maryland 21202
539-0442

0416 1 1607 1607

COFBIN, HARRY NELSON

4 29 81 0209

OFFENSES CHARGED

21:846; 18:2 Conspiracy to Distribute Sch. II NNCS: Methaqualone; Aiding & Abetting (Ct. 1)

BAIL • RELEASE

II. KEY DATES & INTERVALS

ARREST OR 6/2/81

INDICTMENT 4/29/81

ARRAIGNMENT 6/2/81 6/2/81

TRIAL

SENTENCE 2/25/82

MAGISTRATE

ATTORNEYS

Steven A. Allen, AUSA
2-4822

Paul F. Kemp. AFPD

SEE DEFENDANT NO. 1 DOCKET SHEET

DATE | (DOCUMENT NO.) | PROCEEDINGS

1607

X 0416 1 1607

COGAN, CHARLES J.

29 81 0209

US TITLE/SECTION: 21:846; 18:2

OFFENSES CHARGED: Conspiracy to Distribute Sch. II NNCS: Methaqualone; Aiding & Abetting (Ct. 1)

Date 2-81

Viola Date

BAIL • RELEASE

$ 25

Date 5/4/81

B. KEY DATES & INTERVALS

ARREST or: US Custody Began 6/30/81; Arrested on this; Fugitive Sought; Held Without; In Charging District; Held for Another District 6/30/81

INDICTMENT/XXX: Indictment Filed 4/29/81; Superseding Indictment

ARRAIGNMENT: 6/30/81; Not Guilty 6/30/81; Plead Guilty 9/8/81

TRIAL: Trial Set For; Trial Began; Trial Ended

SENTENCE: Sentence or Charges Dismissed 9/8/81; 9-22-81

MAGISTRATE

DATE | INITIALS/NO. | INITIAL APPEARANCE DATE | PRELIMINARY EXAMINATION OR REMOVAL HEARING: Date Scheduled, Date Held; WAIVED; NOT WAIVED; INTERVENING INDICTMENT | Case Number | OUTCOME: HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT; HELD FOR GJ OR OTHER PROCEEDING IN ANOTHER DISTRICT

ATTORNEYS

Steven A. Allen, AUSA
2-4822

Edward Reif, Esq.
2000 Market Street, Suite 1216
Philadelphia, Pa. 19103
215-561-1333

SEE DEFENDANT NO. 1 DOCKET SHEET

DATE	DOCUMENT NO.	PROCEEDINGS	EXCLUDABLE DELAY

HQ62-120955
Vol 5
Redacted Copy

UNITED STATES OF AMERICA

-v-

WILLIAM DREDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Docket No: 11

Case No: 81-2141

ORDER ON INITIAL APPEARANCE

VIOLATION: INDICTMENT-DISTRICT OF MARYLAND: 21 SECTION: 846,841(a)(1

Date of Arrest: 5/10/81 Agent: _____ Agency: DEA

THIS CAUSE having come before the Court on the Initial Appearance of the above named defendant, pursuant to Rule 5 of the Federal Rules of Criminal Procedure. The defendant has been advised of his rights and the charges pending against him and appropriate proceedings having been conducted, it is

ORDERED AND ADJUDGED

1. JESSE J. McCRARY, JR. ESQ. noted as counsel of record.

2. The defendant shall retain private counsel and report back to the Court on _____, unless private counsel files a notice of appearance.

3. _____ appointed as counsel of record.

4. The defendant shall be released from custody upon posting the following type of appearance bond, pursuant to Title 18 USC Sec. 3146.

500,000 PERSONAL SURETY BOND

5. The above set bond shall contain the standard conditions and the following special conditions are hereby set:

BOND TO BE CO-SIGNED BY WIFE, PASSPORT TO BE SURRENDERED TO ATTORNEY

TRAVEL TO BALTIMORE PERMITTED

6. ~~EXAMINATION~~ / Removal hearing is set for: MAY 27, 1981

NONE OF THE ABOVE DATES SHALL BE CHANGED UNLESS BY ORDER OF THIS COURT.

DONE AND ORDERED at Miami, Florida, this 11 day of MAY 19 81.

UNITED STATES MAGISTRATE
HERBERT B. SHAPIRO

Present at hearing:

A.U.S.A. KARABEL

Interpreter: _____

Tape 81-8 Bee 0 Side _____

Miscellaneous
Date

FD-302 (REV. 3-10-84)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/22/85

Mr. NORMAN L. PRITCHETT, Clerk of Court, Circuit Court for Prince Georges County, Maryland, provided the attached certified copies of arrest record for WILLIAM CAREY DREDGE. The records indicate that DREDGE was arrested on November 12, 1964, and was represented by EDWARD J. BAGLEY, Esq. DREDGE was also indicted on April 18, 1955, for assault with a deadly weapon at which time he was represented by an attorney, OSCAR R. DULEY.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-17-87 BY SP5C/pt

Investigation on 10/21/85 at Hyattsville, Maryland File # BA 62A-3170

by SA JAMES R. JOHNSON JRJ:jaq Date dictated 10/21/85

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

STATE OF MARYLAND - - - Prince George's County, Sct.:

I HEREBY CERTIFY THAT the aforegoing is a true copy of the docket entries in the above entitled case in the Circuit Court for Prince George's County and State of Maryland.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the Seal of the Circuit Court for Prince George's County, Maryland, this 21 day of October, 1985.

Norman L. Pritchett, Clerk

Norman L. Pritchett, Clerk

#63

State of
Maryland
-vs-
William C. Dridge

CA-1964
CT 3001
CT-2002

NORMAN L. PRITCHETT
CLERK OF THE CIRCUIT COURT
PRINCE GEORGE'S COUNTY
UPPER MARLBORO, MARYLAND 20772-0067
(301) 952-3240

HQL2-120955
Vol. 5
Redacted Copy

THE STATE OF FLORIDA
VS. NO. 73-5215 -CF- -03

William Carey Dredge aka
Billy D.
MISTRIAL

PART 1 OF 2

3000 BTK

Now Info

SEE FILE JACKET #2

Dismissed by Motion (Info Refiled)

Date	APR 2 1974		
Judge	Jos Wolatsky	DO	DO
Defense	Wm Moran	DC	DO
Reporter	C Liang	DO	DO

(JURY) NON-JURY TRIAL

All Witnesses (& Defendant) Sworn

(Rule Invoked) (State) (Defendant)

1. 322- Robert L. Ovett
2. 328- Barbara Ann Bodish
3. 335- Jack A. Setiga
4. 308- Mary C. Rabbitt
5. 309- Mary M. Gallant
6. 340- Emily D. Thompson

ASST. U.S.A. KURT B. WARNER

APR - 3 1974

See Jury notes

APR - 4 1974

See Jury notes

MISTRIAL

Finding of Guilt (Court)_____(Jury)_____

Adjudication_____

Sentence_____

Acquitted (Court)_____(Jury)_____

Certified Copy Information (Delivered) (Mailed)

W Moran
Def Dc

Date 7-11-73
AUG 10 1973

Custody Probation Officer_____Yrs._____

Discharge From Probation_____

IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

CASE NO. 73-5273

STATE OF FLORIDA,)

vs.)

WILLIAM DREDGE,) DEFENDANT'S WITNESS LIST (PURSUANT TO RULE 3.220(b)(3)

Defendant.)

COMES NOW the Defendant, WILLIAM DREDGE, and pursuant to Rule 3.220(b)(3) files the following witness list:

Herman Trieber
Florida Penal System
Avon Park, Florida

I HEREBY CERTIFY that a copy hereof was mailed this 27th day of December, 1973, to THE OFFICE OF THE STATE ATTORNEY, 1351 N. W. 12th St., Miami, Fla., 33125.

WILLIAM M. MORAN
518 Biscayne Building
19 W. Flagler Street
Miami, Florida 33130

Attorney for Defendant

IN THE CIRCUIT COURT OF THE [illegible]
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO. 73-52[illegible] (Lee)

THE STATE OF FLORIDA,)
Plaintiff,)
vs.). NOTICE OF HEARING
WILLIAM CARY DREDGE,)
Defendant.)

TO: OFFICE OF THE STATE ATTORNEY
1351 N. W. 12th Street
Miami, Florida 33125

PLEASE TAKE NOTICE that the following motion filed on behalf of the Defendant, WILLIAM CARY DREDGE, will be brought on for hearing and will be heard by the Honorable Thomas E. Lee, one of the Judges of the above-styled Court at 9:30 a.m. on Thursday, September 12, 1974, DADE COUNTY COURTHOUSE, 73 W. Flagler St., Miami, Fla.:

MOTION FOR TAXATION OF COSTS

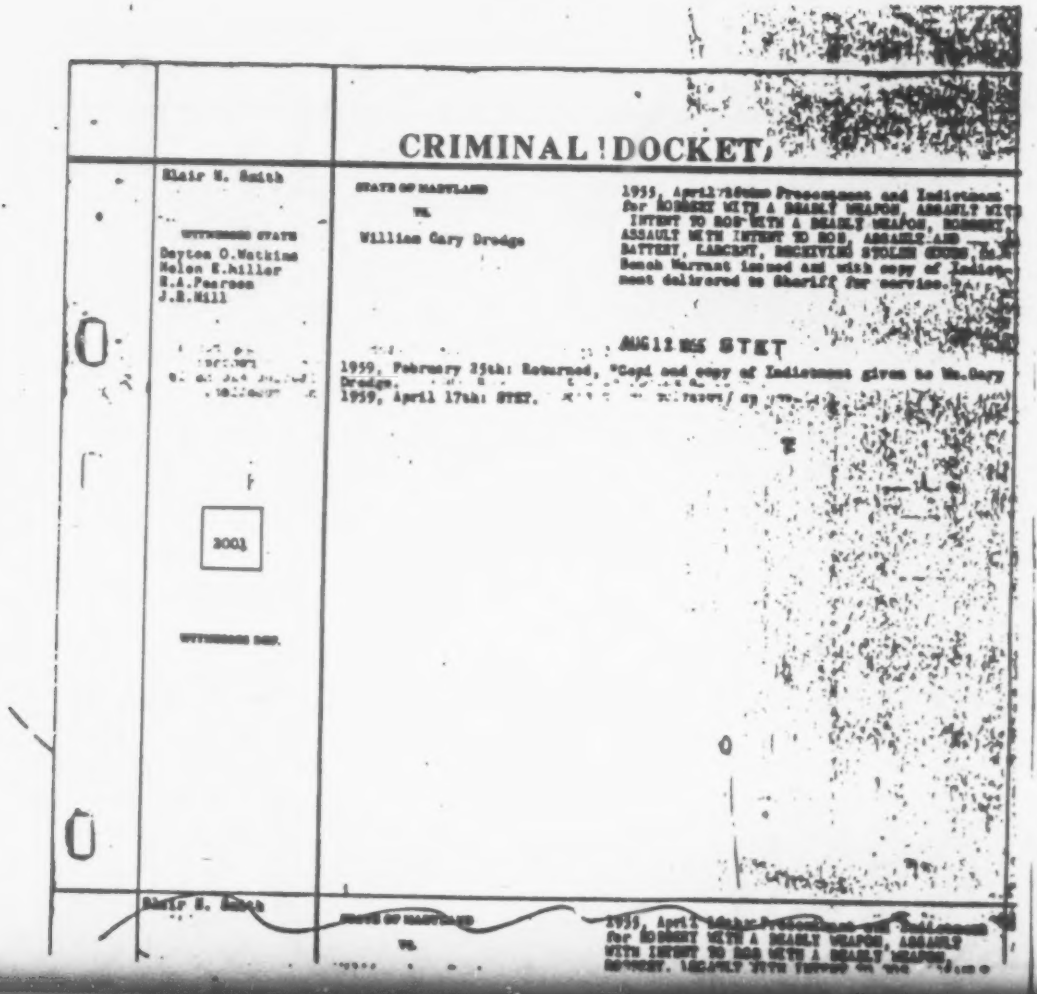
PLEASE BE GOVERNED ACCORDINGLY.

I HEREBY CERTIFY that a copy hereof was mailed to the above address this 4th day of September, 1974.

MORAN AND GOLD
Attorneys for Defendant.
608 Concord Building
66 W. Flagler Street
Miami, Fla. 33130

WILLIAM M. MORAN [illegible]

Arthur A. Marshall, Jr. State's Attorney	STATE OF MARYLAND vs. WILLIAM CARNEY BREEDEN	1964, November 12th: Warrant and Bonded entries, filed. did unlawfully make an assault upon one Lewis Edward Keane, Jr., and then and there did beat, bruise, wound and illtreat the said Lewis Edward Keane, Jr., by firing a 12 gauge sawed off shot gun at him and striking the vehicle in which he was seated.... 1964, November 12th: Bonds, filed.	
		1964, December 7th: Appearance of Edward J. Bagley entered in open Court as attorney for defendant. Etc... (Judge Reese H. Parker, presiding)	



CRIMINAL DOCKET

Blair H. Smith

WITNESSES STATE
Dayton O.Watkins
Helen E.Miller
E.A.Pearson
J.R.Hill

2003

WITNESSES DEF.

STATE OF MARYLAND
vs.
William Cary Drudge

1959, April 16th Presentment and Indictment for ROBBERY WITH A DEADLY WEAPON, ASSAULT WITH INTENT TO ROB WITH A DEADLY WEAPON, ROBBERY, ASSAULT WITH INTENT TO ROB, ASSAULT AND BATTERY, LARCENY, RECEIVING STOLEN GOODS, &c. Bench Warrant issued and with copy of Indictment delivered to Sheriff for service.

AUG 12 1959 STET

1959, February 25th: Returned, *Capd and copy of Indictment given to Wm.Cary Drudge.
1959, April 17th: STET.

Blair H. Smith

STATE OF MARYLAND
vs.

1959, April 16th: Presentment and Indictment for ROBBERY WITH A DEADLY WEAPON, ASSAULT WITH INTENT TO ROB WITH A DEADLY WEAPON, ROBBERY, ASSAULT WITH INTENT TO

Blair H. Smith ATTORNEYS FOR STATE Dayton O.Watkins Helen K.Miller R.A. Pearson J.H. Hill BOOK ATTORNEYS FOR DEF. Oscar R.Daley	STATE OF MARYLAND vs. William Cary Dredge	1959, April 16th: Presentment and Indictment for ROBBERY WITH A DEADLY WEAPON, ASSAULT WITH INTENT TO ROB WITH A DEADLY WEAPON, ROBBERY, ASSAULT WITH INTENT TO ROB, ASSAULT AND BATTERY, LARCENY, RECEIVING STOLEN GOODS, filed. Bench Warrant issued and with copy of Indictment delivered to Sheriff for service. AUG 12 1959 STET 1959, February 25th: Returned, "Copi and copy of Indictment given to Mr.Cary Dredge". 1959, March 2)rd: Defendant acknowledges receipt of a copy of the Indictment. 1959, March 2)rd: Prisoner arraigned and pleads "Not Guilty". Defendant elects trial by Jury. Appearance of Oscar R.Daley as defense Counsel entered. 1959, April 17th: STET.

1817

THE STATE OF FLORIDA

VS NO. 74-6473

William Carey Dredge and Philip Lacy

PART II OF III

Bonds

Bond Estreatures

Alias Capias

I. D. #

Notify Files:

Arraignment	OCT 25 1974	JAN 2[illegible] 75	JAN 26 1975		
Guilty					
Not Guilty					
Waiver of Jury					
State	E. Downey	do	do		
Defense	H. Hall	Wm. Moran	do		
Reporter	E. Stanley	E. Stanley	E. Stanley		

(A) OCT 25 1974 see Motions on file

NOV 1 1974 Mtn Private Investigator Eg P. Granted (Conf)

(B) NOV 8 1974 Def Mtn Compel filed - Grant

(C) NOV 8 1974 see Mtn for pretrial filed - grant

(D) see Mtn for Discharge - Deny

(E) see Def Mtn for Continuance - grant

NOV 13 1974 Def Mtn to Dismiss Public Defender - Deny

(F) DEC 9 1974 Mtn to Strike - Denied; Mtn to Dismiss - Withdrawn

(G) JAN 16 1975 See Def Mtn to change Trial Date - grant

(H) JAN 27 1975 Def. Mtn to substitute Public Defender [illegible]

Def's Mtn recvd 12-3. grant (I) Def Mtn Withdraw Deny

(J) JAN 28 1975 Def Mtn grant [illegible]

	Defs.	Continued
		1-27-75
JAN 26 1975		3-3-75
JAN 26 1975		5-14-75
JAN 26 1975		6-17-75
JAN 26 1975		6-25-75

Information Dismissed SEE INF.

Case Dismissed

No Further Information

Absentee Docket

Nolle Pros

RECEIVED
TELETYPE UNIT
22 OCT 85 16 07
FEDERAL BUREAU
OF INVESTIGATION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-11-87 BY SP5Cj 4pt

FORMS.TEXT HAS 1 DOCUMENT

INBOX.4 (#4348)

TEXT:

NA00029 2942203

OO HQ

DE NK

O 212203Z OCT 85

FM NEWARK (62A-4500) (RUC) (FIRA)

TO DIRECTOR (IMMEDIATE)

(ATTN: SSA W. DENNIS AIKEN, PUBLIC CORRUPTION UNIT, FBIHQ)

BT

UNCLAS

EQUEST FOR INVESTIGATIVE ASSISTANCE BY CHIEF JUDGE JOHN C. GODBOLD, 11TH JUDICIAL CIRCUIT, CONCERNING U. S. DISTRICT COURT JUDGE ALCEE L. HASTINGS; ADMINSTRATIVE INQUIRY; FEDERAL JUDICIARY INVESTIGATION

RE: BUREAU AIRTEL TO ATLANTA, OCTOBER 15, 1985.

ON OCTOBER 21, 1985, JIM HART, SUPERVISOR FOR CRIMINAL DISTRICT COURT, NEW BRUKSWICK, NJ, WAS CONTACTED AND ADVISED THAT HE COULD FIND NO RECORD CONCERNING WILLIAM C. BREDGE.

62-120955-154

IT IS NOTED ON THE ARREST SHEET THAT BREDGE WAS ARRESTED IN NEW BRUNSWICK, NJ, AND TURNED OVER TO THE PROSECUTOR'S OFFICE IN NEW BRUNSWICK FOR LARCENY OF AN AUTO AND ALSO ARRESTED BY THE

29 JAN 28 1926

FEB 14 1986

PAGE TWO, NK 62A-4500, UNCLAS

PERTH AMBOY, NJPD AND TURNED OVER TO THE PROSECUTOR'S OFFICE OF NEW BRUNSWICK, NJ, AGAIN FOR LARCENY OF AN AUTO. THEREFORE, POLICE DEPARTMENTS IN NEW BRUNSWICK AND PERTH AMBOY WILL HAVE NO RECORD OF BREDGE CONCERNING THE COURT PROCEEDINGS.

MR. HART RELATED THAT DUE TO THE FACT THAT THE DISPOSITION SHOWS THAT BREDGE WAS DISMISSED IN RECORDERS COURT IT IS LIKELY THAT BREDGE DID NOT HAVE A COUNSEL.

ON OCTOBER 21, 1985, A MAJOR STRICKLAND U. S. ARMY CAMP, EDISON, NJ, WAS CONTACTED AND ADVISED THAT THEY PRESENTLY HAVE NO RECORDS OF ARMY PERSONNEL IN THE 1948 ERA. HE STATED THAT ANY RECORDS CONCERNING ARMY PERSONNEL COULD POSSIBLY BE LOCATED AT THE ARMY RESERVE PERSONNEL CENTER, RECORDS SECTION, ST. LOUIS, MO.

DUE TO THE FACT THAT IT IS BELIEVED THAT THE CHARGE AGAINST BREDGE WAS DISMISSED WITHOUT ANY POSSIBLE COURT PROCEEDINGS NO LEAD IS BEING SET OUT FOR ST. LOUIS, AS THIS IS BEING LEFT TO THE DISCRETION OF FBIHQ.

BT

#

FORM TEXT WAS 1 DOCUMENT.
INBOX.11 (94465)

RECEIVED TELETYPE UNIT
22 Oct 85 FEDERAL BUREAU OF INVESTIGATION

HQ 62-120955
Vol. 5

XT:

MMO 0039 294 0032

PP HQ AT

DE MM

P 21 2215Z OCT 85

FM MIAMI (62A-7251)

TO DIRECTOR (62-120955) PRIORITY

(ATTENTION: SSA W. DENNIS AIKEN, PUBLIC CORRUPTION UNIT)

ATLANTA (62A-3435) PRIORITY

(ATTENTION SA CHARLES MOORE)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/14/89 BY SP5 Sgt

BT

UNCLAS

REQUEST FOR INVESTIGATIVE ASSISTANCE BY CHIEF JUDGE JOHN C. GODBOLD, ELEVENTH JUDICIAL CIRCUIT, CONCERNING UNITED STATES DISTRICT COURT JUDGE ALCEE L. HASTINGS; ADMINISTRATIVE INQUIRY, FEDERAL JUDICIARY INVESTIGATION.

RE BUREAU AIRTELS TO MIAMI, DATED OCTOBER 9 AND OCTOBER 15, 1985, AND MIAMI TELCALS WITH SSA W. DENNIS AIKEN, FBIHQ, ON OCTOBER 18, AND OCTOBER 21, 1985.

62-120955-151

JAN 28 1986

PER RE BUREAU AIRTEL TO MIAMI, DATED OCTOBER 9, 1985, ON OCTOBER 23, 1985, SA ROBERT FRITZ, MIAMI DIVISION, WILL TRAVEL TO ATLANTA, GEORGIA, TO PROVIDE TESTIMONY BEFORE THE INVESTIGATING COMMITTEE

Done @ Dursa Telephonically 10/24/85 & By letter 10/24/85

FEB 14 1989

PAGE TWO MM 62A-7251 UNCLAS

RELATIVE TO MEETING IN MIAMI, FLORIDA ON AUGUST 21, 1981, BETWEEN WILLIAM BORDERS AND SANTO TRAFFICANTE. ON OCTOBER 22, 1985, SA WILLIAM MURPHY, MIAMI DIVISION, WILL TRAVEL VIA RENTED CAR TO ATLANTA, GEORGIA, TO PROVIDE ASSISTANCE AND COORDINATION WITH JOHN DOAR, ESQ. DURING OCTOBER 24, 1985, HEARINGS. SAC'S MIAMI AND ATLANTA CONCUR IN ABOVE TRAVEL OF SA'S FRITZ AND MURPHY.

FOLLOWING IS SUMMARY OF INVESTIGATION CONDUCTED TO DATE BY MIAMI AS REQUESTED IN RE BUREAU AIRTEL TO MIAMI, OCTOBER 15, 1985:

ON OCTOBER 21, 1985, IA MARION GILLIGAN, FORT LAUDERDALE RA, CONDUCTED A RECORDS CHECK AT THE BROWARD COUNTY COURTHOUSE, ARCHIVES SECTION, RE ARREST OF WILLIAM C. DREDGE ON OCTOBER 25, 1970, BY MIRAMAR POLICE DEPARTMENT (PD), MIRAMAR, FLORIDA. NO COURT RECORDS RE ABOVE ARREST WERE LOCATED. ON OCTOBER 21, 1985, MARILYN ABSTON, RECORDS CLERK, MIRAMAR P.D., ADVISED THAT A RECORDS CHECK INDICATED THAT ABOVE OCTOBER 25, 1970 ARREST OF DREDGE INCLUDED MISDEMEANOR CHARGES ONLY FOR DRUNKENESS, DISORDERLY CONDUCT, AND ASSAULT AND BATTER, AND THAT A REVIEW OF ALL FILE RECORDS RE THIS ARREST FAILED TO DISCLOSE THE IDENTITY OF ANY COUNSEL OF RECORD LISTED FOR DREDGE. MS. ABSTON ALSO ADVISED THAT THE BROWARD COUNTY

GE THREE MM 62A-7251 UNCLAS

CLERK OF COURT IS REQUIRED BY LAW, TO RETAIN ALL MISDEMEANOR COURT FILES FOR FIVE YEARS, ONLY, AND THEREFORE, ALL COURT RECORDS RE ABOVE OCTOBER 25, 1970, MISDEMEANOR ARRESTS OF DREDGE WERE MOST PROBABLY DESTROYED.

ON OCTOBER 21, 1985, A REVIEW OF DADE COUNTY COURTHOUSE AND DADE COUNTY PUBLIC SAFETY DEPARTMENT (DCPSD) RECORDS BY IA BRENDA COCHRAN FAILED TO DISCLOSE ANY RECORDS RELATING TO THE APRIL 21, 1967, ARREST BY DCPSD OF WILIAM CAREY DREDGE. ON OCTOBER 21, 1985, A REVIEW OF RECORDS BY IA COCHRAN AT THE FEDERAL COURTHOUSE FAILED TO DISCLOE ANY INFORMATION RELATING TO THE MAY 10, 1981, ARREST OF WILLIAM C. DREDGE BY DEA, MIAMI, FLORIDA. ON OCTOBR 21, 1985, DEA LIASON SPECIAL AGENT KEN GOODMAN ADVISED THAT A REVIEW OF HIS AGENCY'S RECORDS INDICATE DEA'S FILE RE ABOVE ARREST OF DREDE WAS TRANSFERRD FROM MIAMI TO EA'S OFFICE AT CONCORD, NEW HAMPSHIRE. SA GOODMAN ADDITIONALLY ADVISED THAT THE MOST EXPEDITIOUS METHOD OF LOCATING INFORMATION FROM ABOVE DEA FILE WOULD BE TO REQUEST SUCH INFORMATION FROM DEA HEADQUARTERS IN WASHINGTON, D. C.

ON OCTOBER 21, 1985, COPIES OF COURT FILES WERE ORDERED BY IA BRENDA COCHRAN FROM THE DADE COUNTY CLERK OF COURT REGARDING THE

CE FOUR MI 62A-7251 UNCLAS

JULY 18, 1973, ARREST BY DCPSD, AND AUGUST 7, 1974, ARREST BY MIAMI BEACH POLICE DEPARTMENT, OF DREDGE. ABOVE COPIES SHOULD BE AVAILABLE FOR REVIEW BY MIAMI ON OCTOBER 22, OR OCTOBER 23, 1985. FBIHQ SHOULD NOTE THAT THE TWO AUGUST 7, 1974, ARRESTS OF DREDGE LISTED ON DREDGE'S ARREST RECORD ARE THE SAME ARRST INCIDENT, AND DO NOT INVOLVE SEPARATE ARRESTS BY SEPARATE AGENCIES.

MIAMI, AT MIAMI, FLORIDA, WILL FURNISH RESULTS OF REVIEW OF ABOVE COURT RECORDS UPON RECEIPT OF SAME FROM DADE COUNTY CLERK OF COURT.

BT

1 - (C) 4 FBI (C)

HQ62-120955
vol. 5
Redacted copy

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☐ ____
- X AIRTEL

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 11/3/85

TO: DIRECTOR, FBI (62-120955)
ATTN: SSA W. DENNIS AIKEN
PUBLIC CORRUPTION UNIT, ROOM 3849, JEH

FROM: SAC, WFO (62A-11404) (P) (C-7)

REQUEST FOR INVESTIGATIVE ASSISTANCE
BY CHIEF JUDGE JOHN C. GODBOLD,
ELEVENTH JUDICIAL CIRCUIT,
CONCERNING U.S. DISTRICT COURT JUDGE
ALCEE L. HASTINGS;
ADMINISTRATIVE INQUIRY,
FEDERAL JUDICIARY INVESTIGATION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-17-87 BY SP5 SCW

Re Bureau airtel to Atlanta, et al, dated 10/15/85, Bureau teletype to WFO, dated 10/15/85 and WFO telcall to SSA W. DENNIS AIKEN, Public Corruption Unit, FBIHQ, on November 4, 1985.

Enclosed for the Bureau is one copy each of five (5) criminal docket sheets regarding WILLIAM C. DREDGE obtained from United States District Court, Washington, D.C., on 10/30/85.

For information of the Bureau, the enclosed criminal dockets under criminal numbers 202-51 through 205-51 are believed to be identical to the first four charges set forth on page two of the FBI Identification Record for DREDGE which was enclosed in referenced airtel. With respect to the last two charges indicated on page two of DREDGE's FBI Identification Record, WFO, was advised that inasmuch as case against DREDGE was dismissed, no court record would be available to indicate DREDGE's attorney. In relation to the 1955 charges against DREDGE, the enclosed

2-Bureau (Encl. 5)
2-WFO
RAW:ldn
(4)

ENCLOSURE ATTACHED

1cc/Sand-wcc 62-120955-162

WDL/ld 11/2/85

NOV 6 1985

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

FBI/DOJ

FEB 14 1986

WFO 62A-11404

docket sheet bearing criminal number 357-55 contains information concerning those charges. It should be noted that in all cases found, DREDGE was represented by an attorney named SAUL G. LICHTENBERG.

For additional information of the Bureau, with respect to investigation regarding identity of N. B. SMITH as set out in referenced Bureau teletype to WFO, the following information has been developed.

On October 30, 1985, WFO determined that the 1981 Haines Criss-Cross Directory listed NOEL B. SMITH as residing at 5225 Pooks Hill Road, Bethesda, Maryland, telephone number 301-897-5692. The Directory further indicated SMITH was a new listing for 1981.

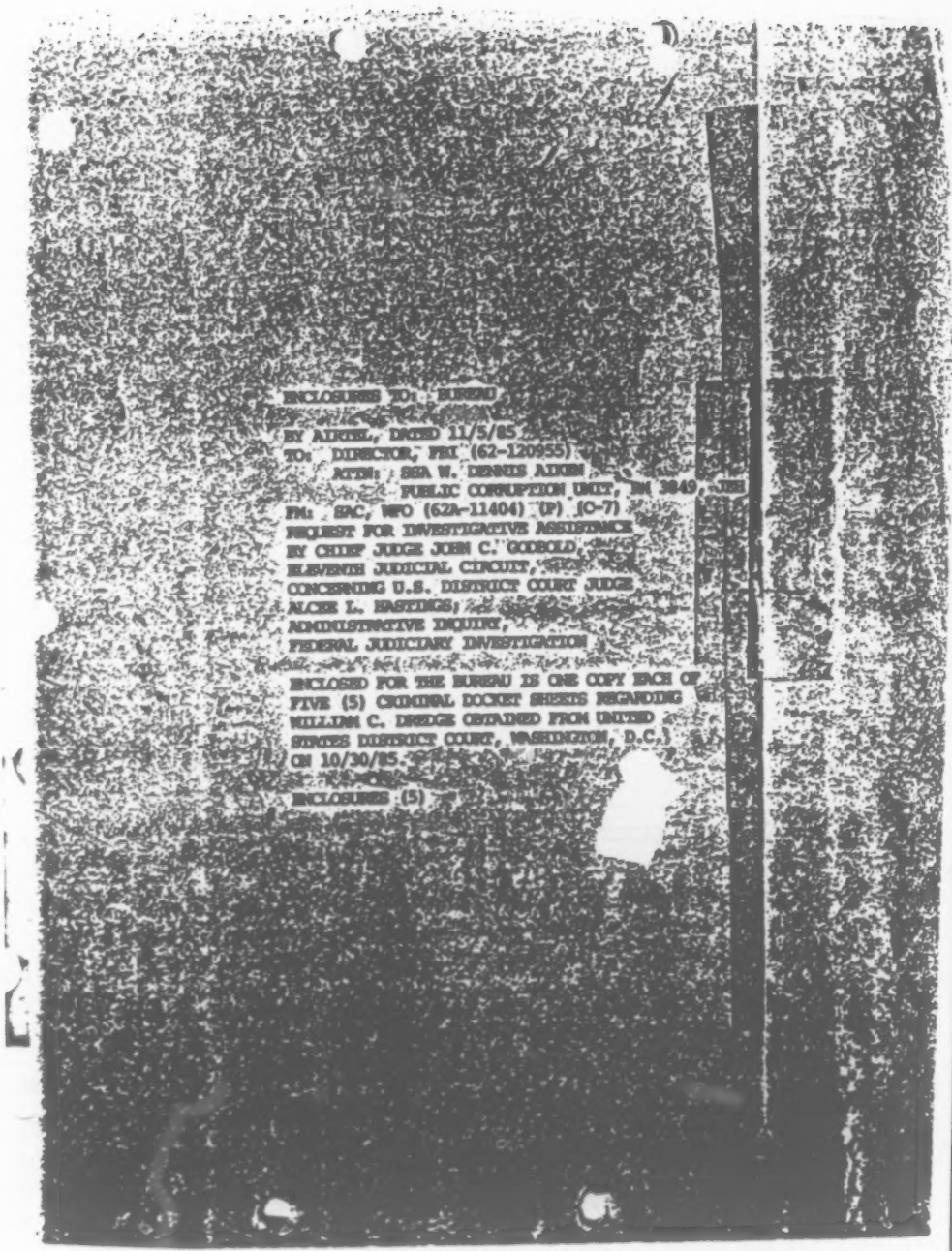
A review of WFO indices located only one reference to NOEL B. SMITH in WFO file 58A-1899, pertaining to the prior investigation of Judge ALCEE HASTINGS. At that time, SMITH was interviewed on two separate occasions regarding her relationship with HASTINGS. Once on October 16, 1981 and a second time on December 17, 1981.

Both times, SMITH was residing at 1200 16th Street, N.E., Washington, D.C., telephone number 202-396-3954. At the time of the first interview on October 16, 1981, SMITH was employed by PHOENIX GROUP INTERNATIONAL, LTD., 1629 K Street, N.W., Suite 500, Washington, D.C., telephone number 202-737-1122. When interviewed the second time, SMITH was working for an unnamed employer located at 1010 Vermont Avenue, N.W., Washington, D.C. SMITH's current residence and employment are not known at this time.

WFO has been unable to locate any information to date that would indicate the existence of an association between NOEL B. SMITH and JOSEPH NESLINE.

WFO is conducting no further investigation at this time regarding leads set forth in referenced Bureau communications. However, inasmuch as future leads are anticipated, this case will remain in a pending status.

BEST AVAILABLE COPY



INCLOSURES TO: BUREAU
BY AIRTEL, DATED 11/5/85
TO: DIRECTOR, FBI (62-120955)
ATTN: SSA W. DENNIS AIKEN
PUBLIC CORRUPTION UNIT, JM 3049, JEH
FM: SAC, WFO (62A-11404) (P) (C-7)
REQUEST FOR INVESTIGATIVE ASSISTANCE
BY CHIEF JUDGE JOHN C. GODBOLD,
ELEVENTH JUDICIAL CIRCUIT,
CONCERNING U.S. DISTRICT COURT JUDGE
ALCEE L. HASTINGS;
ADMINISTRATIVE INQUIRY,
FEDERAL JUDICIARY INVESTIGATION
INCLOSED FOR THE BUREAU IS ONE COPY EACH OF
FIVE (5) CRIMINAL DOCKET SHEETS REGARDING
WILLIAM C. BRYDGE OBTAINED FROM UNITED
STATES DISTRICT COURT, WASHINGTON, D.C.,
ON 10/30/85.
INCLOSURES (5)

ZUCKERMAN, SPAEDER, TAYLOR & EVANS
ATTORNEYS AT LAW
GABLES CORPORATE PLAZA
2100 PONCE de LEON BOULEVARD
SUITE 1100
CORAL GABLES, FLORIDA 33134
(305) 444-1911 (DADE)
(305) 523-0277 (BROWARD)

TELECOPIER
(305) 443-8469

FORT LAUDERDALE OFFICE
1750 EAST SUNRISE BOULEVARD, SUITE 302
FORT LAUDERDALE, FLORIDA 33304
(305) 525-0531

WASHINGTON, D.C. OFFICE
120 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036
(202) 778-1800

BALTIMORE OFFICE
300 EAST LOMBARD STREET
BALTIMORE, MARYLAND 21202
(301) 332-0444

RESIDENT IN FLORIDA
RONALD B. RAVIKOFF*
MICHAEL S. PABARO*
HUMBERTO J. PEÑA*
KENNETH R. PIERCE
GUY A. RASCO
ROBERTO MARTINEZ (OF COUNSEL)
CAROLYN R. GILBERT

RESIDENT IN WASHINGTON, D.C.Δ
ROGER E. ZUCKERMAN
MARK W. FOSTER
ROGER C. SPAEDER
BRUCE GOLDSTEIN
WILLIAM W. TAYLOR III
PETER R. KOLKER
JANET M. MEIBURGER
STEPHEN H. GLICKMAN
LAWRENCE A. KATZ
STEPHEN E. LEACH

* ALSO ADMITTED IN DISTRICT OF COLUMBIA
NOT MEMBERS OF THE FLORIDA BAR

MICHAEL R. SMITH
DOUGLAS C. HERBERT
ANTHONY THOMPSON
NELSON C. COHEN
STEVEN M. SALKY
EDWARD C. BERKOWITZ
JUDITH STURTZ KARP
MARY LOUISE AMERINE
LYNN R. FLETCHER
MELISSA CECIL LACKEY
CARMEN IRIZARRY DIAZ
ROBIN B. TAUB
NINA S. GOODMAN
DAVID A. HICKERSON
SUSAN A. KESTNER
LESLIE M. BERGER
BLAIR G. BROWN
ABIGAIL B. GARBER
HOYUN KIM
CYNTHIA KEEN PERLMAN
KERRY W. KIRCHER
KONNA M. CLARK
ROSEMARIE SCHMIDT
BARBARA J. KRAMER

RESIDENT IN BALTIMOREΔ
HERBERT BETTER

JOHN F. EVANS
(1941-1988)

United States Senate
IMPEACHMENT HEARINGS
HOUSE MANAGERS' EXHIBIT 219

July 5, 1989

Janice Cooper
Assistant Special Counsel
House of Representatives
Committee on the Judiciary
2137 Rayburn House Office Building
Washington, D. C. 20515-6216

Re: In Re Impeachment of Judge Alcee Hastings

Dear Ms. Cooper:

You have asked by letter dated June 28, 1989, for information regarding Phillip Moscato's availability to testify at a trial in the above matter in July 1989. Be advised as follows. Mr. Moscato's health is such that he is not available to testify. See materials attached hereto as Appendix A. Moreover, on the advice of counsel and incident to a proper assertion of Mr. Moscato's Fifth Amendment privilege, due to the pendency of criminal charges against Mr. Moscato, h_ would not be available

EXHIBIT 219 HOUSE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-17-87 BY SP2 ASC/M
ON Reverse side
only

even if his health permitted. If you have any questions, please contact me.

Very truly yours,

Michael S. Pasano
Attorney for Phillip Moscato

VERIFICATION

I HEREBY swear that the information contained herein is true and accurate.

Michael S. Pasano

Sworn to and subscribed before me this 5th day of July, 1989.

Notary Public

My Commission Expires:

MSP:mdv
Attachments
cc: Phillip Moscato

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 86-6187-CR-ZLOCH(S)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP BERNARD MOSCATO,

Defendant.

FILED by D.C.
MAR 15 1989
ROBERT M. KARCH
CLERK U.S. DIST. CT.
S.D. OF FLA.-MIAMI

RECEIVED
MAR 20
ZUCKERMAN, SPAEDER, TAYLOR & EVANS

DEFENDANT MOSCATO'S RENEWED MOTION FOR CONTINUANCE

The defendant, Philip B. Moscato, hereby submits the following motion seeking a continuance of the trial which is presently scheduled to commence before the Honorable William Zloch in Ft. Lauderdale, Florida. As grounds for this request the defendant states as follows:

1. Mr. Moscato renews each and every representation made in his Further Motion for Continuance filed with this Court on February 2, 1989.

2. Mr. Moscato has suffered two heart attacks since May 1988. He has been hospitalized and is presently under the care of various physicians. In October 1988 Mr. Moscato suffered another seizure and was hospitalized at Mt. Sinai Hospital in Miami Beach. Mr. Moscato has recently begun having accelerated

angina. Mr. Moscato is home convalescing and continues to recover from his heart attacks. Because of Mr. Moscato's ill health, it continues to be impossible to work with him in preparing this case for trial.

3. Attached to this motion is a true and correct copy of a letter from Dr. Thomas J. Noto, Jr., M. D., of the Cleveland Clinic Florida, 3000 West Cypress Creek Road, Ft. Lauderdale, Florida 33309. Dr. Noto specifically states that Mr. Moscato suffers from arteriosclerotic coronary artery disease with angina pectoris and that he "is not medically fit to stand trial at this time due to his condition."

4. On March 3, 1989, at the Calendar Call of this action, this Court indicated that it would consider revisiting Mr. Moscato's motion for continuance as a result of his ill health if Mr. Moscato could present evidence from a treating physician indicating that he is presently unfit to stand trial.

5. Under the circumstances contained herein and as outlined in Mr. Moscato's Further Motion for Continuance dated February 2, 1989, the undersigned submits that it is inappropriate to require Mr. Moscato to stand trial at the present time and that a continuance of the trial of this action furthers the interest of justice.[1]

---

[1]On March 15, 1989, the undersigned advised J. Brian McCormick, Esq., Special Attorney, Department of Justice, of the instant motion and offered that Mr. Moscato was available at any (Footnote Continued)

WHEREFORE, it is respectfully requested that this Court grant the instant motion for continuance and reset this case for trial some time in the future so as to allow Mr. Moscato to recover from the complications resulting from his heart attacks.

Respectfully submitted,

MICHAEL S. PASANO, ESQ.
HUMBERTO J. PENA, ESQ.
ZUCKERMAN, SPAEDER, TAYLOR
& EVANS
2100 Ponce de Leon Boulevard
Suite 1100
Coral Gables, Florida 33134
Tel: (305) 444-1911

---

time to be examined by a government physician.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing was mailed this 15th day of March, 1989, to the following counsel of record:

Joel N. Rosenthal, Esq.
2100 Coral Way
#600
Miami, Florida 33145
(Counsel for Defendant Rapp)

Milton M. Ferrell, Jr., Esq.
Suite 1920, Miami Center
100 Chopin Plaza
Miami, Florida 33131
(Counsel for Def. Baccari)

Manuel Mari, Esq.
Romaguera & Mari, P.A.
250 Bird Road
Suite 301
Coral Gables, Florida 33134
(Counsel for Defendant Roth)

J. Brian McCormick
United States Department of Justice
Miami Strike Force
299 E. Broward Boulevard
Federal Building, Suite 309-E
Fort Lauderdale, Florida 33301

Marc S. Nurik, Esq.
Nurik & Kyle, P. A.
203 Grove Forest Plaza
2937 S. W. 27th Avenue
Miami, Florida 33133
(Counsel for Defendant Jenner)

Michael J. O'Kane, Esq.
Suite 311 -Mercede City Center
200 So. Andrews Avenue
Ft. Lauderdale, Florida 33301
(Counsel for Defendant Metz)

Phillip Frascinella, Esq.
12304 Santa Monica Boulevard, #300
Los Angeles, California 90025
(Counsel for Defendant Reno)

MICHAEL S. PASANO, ESQ.

MAR 15 '89 15:53 (305)761 1252

CLEVELAND CLINIC FLORIDA
3000 West Cypress Creek Road Ft. Lauderdale, Florida 33309

Thomas J. Noto, Jr., M.D.
Department of Cardiology
Office: 305/978-5201
Appointments: 305/978-5141

March 14, 1989

Re: Phillip B. Moscato
Clinic No. 400-64-28-1

To Whom It May Concern:

This letter is to verify the fact that the above named patient is not medically fit to stand trial at this time due to his condition.

Mr. Moscato suffers from arteriosclerotic coronary artery disease with angina pectoris having had a myocardial infarction in September, 1988, which did considerable damage to his left ventricle.

Mr. Moscato has recently begun having accelerated angina, and he was seen here at Cleveland Clinic Florida on March 14 on an urgent basis because of continuing chest discomfort.

Most respectfully,

Thomas J. Noto, Jr., M.D.

TJN/ms

CORRECTIONS TO TRANSCRIPTS OFFERED INTO EVIDENCE

House Exhibit 38b, page 2, 13th line from bottom, "has" should be substituted for "was"

House Exhibit 38b, page 7, 9th line from bottom, after WAB says "Okay" the following should be inserted:
HPR: In other words
WAB: Okay

House Exhibit 38b, page 7, 6th line from bottom, should read "happen." without a question mark, rather than "happened?"

House Exhibit 43b, page 5, tenth line from top should read "other" rather than "others"

House Exhibit 43b, page 7, typo on 9th line from bottom, remove the "k"

House Exhibit 45b, page 2, fourth line from bottom should read "because" rather than "that"

House Exhibit 46b, page 1, sixth line from top, should not have second "did"

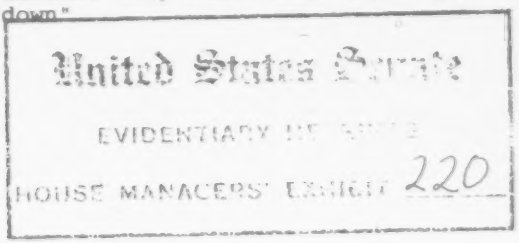
House Exhibit 46b, page 1, last line, should read "right now" instead of "what ya mean"

House Exhibit 50b, page 2, fourth line from top should read "What do you want me"

House Exhibit 50b, page 2, fifth line from top, "wanna" should be deleted

House Exhibit 52b, fourth line from top, "UM:" should be deleted

House Exhibit 55b, sixth line from top, should read "back" rather than "down"



House Exhibit 60b, first page, third line from bottom should read "(laugh) as far as I'm concerned uh I'm uh 187 percent"

House Exhibit 60b, second page, ninth line from top, "so uh" should be attributed to Frank. The remainder of the line should be attributed to Bill.

House Exhibit 60b, second page, fourteenth line from top substitute "just" for "co"

Rec. 5/23/89
GFH

Southern Bell

Post Office Box 5567
6451 North Federal Highway - Suite 1001
Fort Lauderdale, Florida 33310
Phone (305) 492-3538

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 221

Date: May 17, 1989

Dear Mr. A. Harvey GFH:

Attached are the customer toll billing records on _____ P. Williams: 733-1697 * _____ which were subpoenaed by US Congress, Case No. and/or date 5/5/89.

If this office can be of any further assistance, please advise.

Yours very truly,

Eunice Polloway
Asst. Staff Manager/
Custodian of Records
Southern Bell Security

Att.

*records re Judge Hastings' chamber telephone numbers will be furnished by the Miami Security office/Southern Bell

EXHIBIT
221
HOUSE

```
NPA CO  LINE CST EXCH CL SVC BILL DA  TY
305 733-1697 633 OKLD  IFB   01 19 84

BIL  001  BO BAO DR MO  PB  RA  BB  MT CC
LIV 07-77 26 100        0211  214XXX     C6

PPD CT%  TBT WIST    BT    L  WAB BCK WIST
    0  000706000000 000[redacted]  0  000000

PY PST  DEP   CIV  BO IC   200   220   201
01 20  @ 04-84 0683 0  LU    04    00    00

ATTY SELF OUT OF HM PB   MOH 6256299 MIL
DRED GRAHMOM
```

```
PCS
LN   WILLIAMS, P G
LA   0401 NW 93RD TER, LDHL

---BILL
BN1  PATRICIA G WILLIAMS
BA2  2401 NW 93 TER
PO   LAUDRHL FL      33313
TAR  624,001
SOD  JE

---S&E
   1 BSXUP/GN 1
   1 ATIUP/GN 1
   1 IFB                              1200
```

```
NPA CO  LINE CST EXCH CL SVC BILL DA  TY
305 733-1697 633 OKLD  IFB   01 19 84

   1 TTR                              100
   2 92MSX(EB)                        NB
   2 95RSX(EB)                        NB
   2 EXT                              NB
   1 PRMST(EB)                        405
        /ZNPS
   1 CPERM/EM AD698J62191ALN-0.08     NB
   1 DKRST(EB)                        225
        /DES (A)12-27-79
   1 RJ31X                            NB
   1 TELST(EB)                        285
        /ZNPS
PWS  5-5,KE,N,B,B,N


     ATTIS(RES EBO) LOCAL SVC          915

     ATTIS(BUS EBO) LOCAL SVC            0

     ATTCOM         LOCAL SVC            0

     SOUTHERN BELL  LOCAL SVC         1300

     BILLED LOCAL SERVICE             2215
```

```
L B      262.86'-
PAY      262.86CR
BAL        .00
CCG      234.06
TOT      234.06

     PAY & ADJ
DATE T ID      AMOUNT
1010 B          262.86
```

```
CURRENT CHARGES     305-733-1697   PAGE 00002
**SOUTHERN BELL
MONTHLY SERVICE - JAN 19 THRU FEB 18
(ITEMIZATION OF LOCAL BILLING
AVAILABLE UPON REQUEST) . . . . . 13.00
OTHER CHARGES AND CREDITS-SEE PAGE 4 . . . . . .54CR
ITEMIZED CALLS-SEE PAGE 6 . . . . . 202.81
FRANCHISE CHARGE . . . . . .13
TAX: FEDERAL        6.47  CITY      1.31 . . .  7.78
SOUTHERN BELL CURRENT CHARGES . . . . . 223.18

BILLING INQUIRIES CALL      797-9000
IF MOVING OR PLACING AN ORDER FOR SERVICE
CALL      493-9000
```

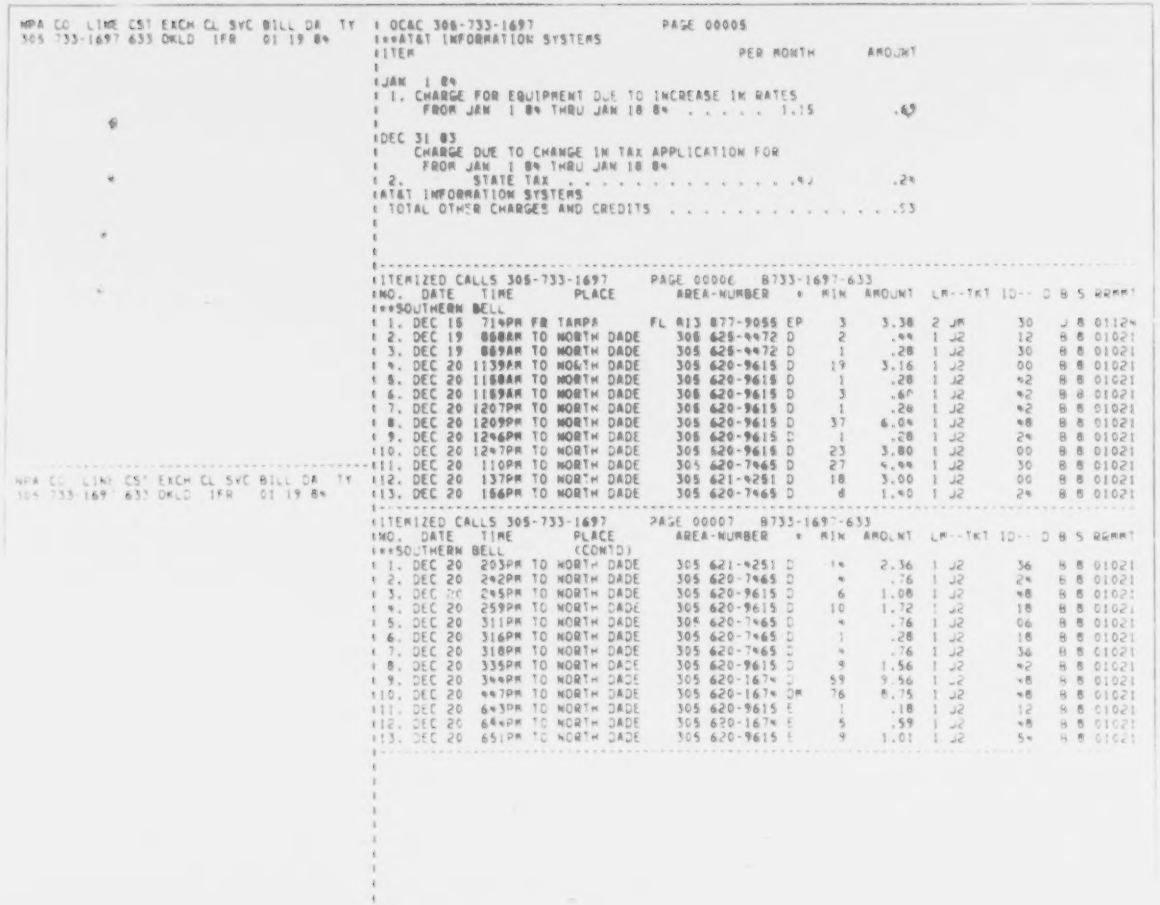
```
CURRENT CHARGES     305-733-1697   PAGE 00003
**AT&T INFORMATION SYSTEMS
MONTHLY EQUIPMENT - JAN 19 THRU FEB 18 . . . . . 9.15
OTHER CHARGES AND CREDITS-SEE PAGE 6 . . . . . .93
TAX: FEDERAL      .30   STATE       .30 . . . .  .80
AT&T INFORMATION SYSTEMS CURRENT CHARGES . . . . . 10.88

FOR BILLING INQUIRIES, REPAIRS, OR ORDERS FOR EQUIPMENT
CALL 1-800-555-8111

THIS PORTION OF YOUR BILL IS PROVIDED AS A SERVICE TO AT&T
INFORMATION SYSTEMS.  THERE IS NO CONNECTION BETWEEN SOUTHERN
BELL AND AT&T INFORMATION SYSTEMS.  YOU MAY CHOOSE ANOTHER
COMPANY FOR YOUR CUSTOMER PREMISES EQUIPMENT WHILE STILL
RECEIVING YOUR LOCAL TELEPHONE SERVICE FROM SOUTHERN BELL.
                          TOTAL CURRENT CHARGES      234.06
```

```
OC&C 305-733-1697                PAGE 00004
**SOUTHERN BELL
ITEM
                                          PER MONTH      AMOUNT
NB  DEC 31 83
NB     CREDIT DUE TO CHANGE IN TAX APPLICATION FOR
NB       FROM JAN  1 84 THRU JAN 18 84
405  1.        LOCAL TAX . . . . . .81          .49CR
     2.        FRANCHISE TAX . . . . . .08      .05CR
NB  SOUTHERN BELL
225  TOTAL OTHER CHARGES AND CREDITS . . . . . .54CR
```

EXHIBIT 221a HOUSE



NPA CO LINE CST EXCH CL SVC BILL DA TY
305 733-1697 633 OKLD IFR 01 19 84

OC&C 305-733-1697 PAGE 00005
**AT&T INFORMATION SYSTEMS

ITEM	PER MONTH	AMOUNT
JAN 1 84		
1. CHARGE FOR EQUIPMENT DUE TO INCREASE IN RATES FROM JAN 1 84 THRU JAN 18 84	1.15	.69
DEC 31 83		
CHARGE DUE TO CHANGE IN TAX APPLICATION FOR FROM JAN 1 84 THRU JAN 18 84		
2. STATE TAX	4%	.2%
AT&T INFORMATION SYSTEMS		
TOTAL OTHER CHARGES AND CREDITS		.53

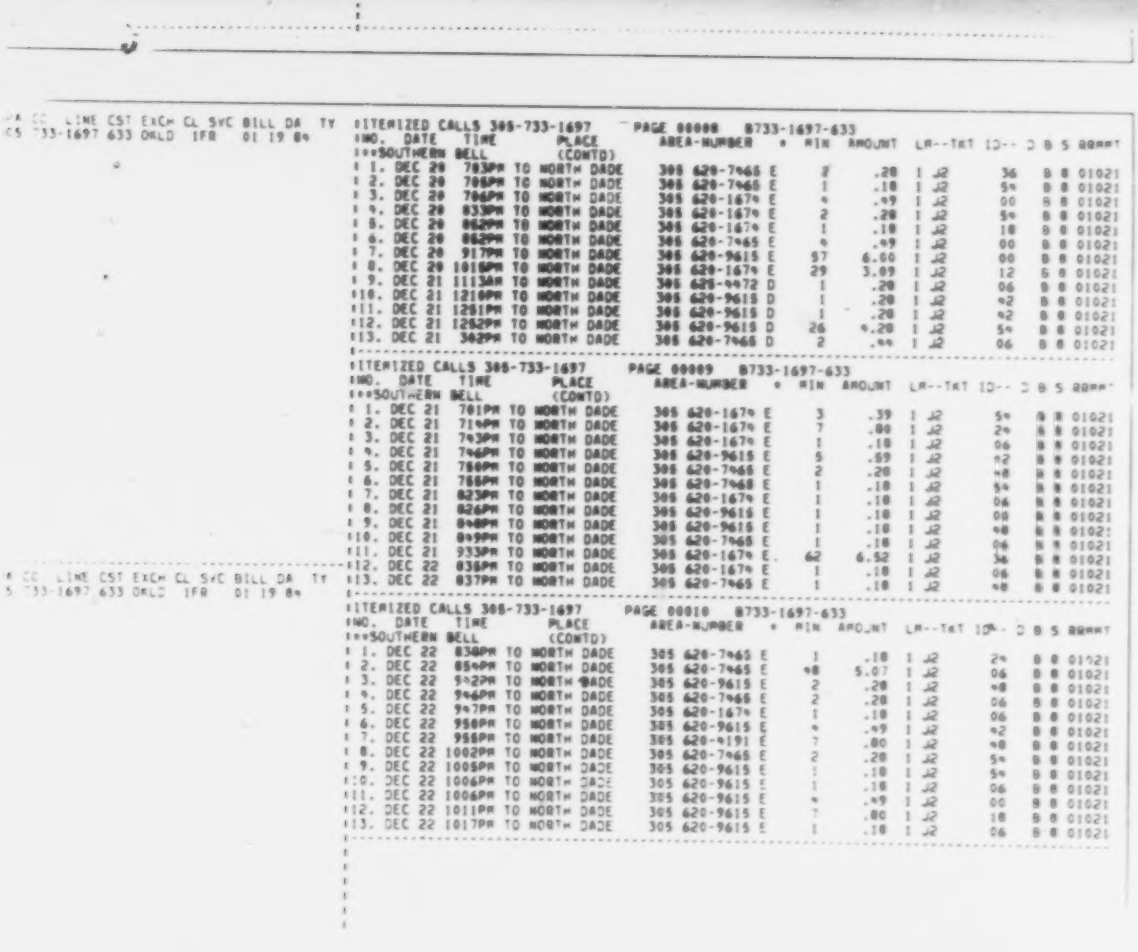
ITEMIZED CALLS 305-733-1697 PAGE 00006 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	LN	TKT	ID	D	B	S	RRRRT
**SOUTHERN BELL														
1.	DEC 18	714PM	FR TAMPA	FL 813 877-9055	EP	3	3.38	2	JM	30	J	B	B	0112%
2.	DEC 19	858AM	TO NORTH DADE	305 625-9972	D	2	.9%	1	J2	12	B	B	B	01021
3.	DEC 19	859AM	TO NORTH DADE	305 625-9972	D	1	.28	1	J2	30	B	B	B	01021
4.	DEC 20	1139AM	TO NORTH DADE	305 620-9615	D	19	3.16	1	J2	00	B	B	B	01021
5.	DEC 20	1158AM	TO NORTH DADE	305 620-9615	D	1	.28	1	J2	%2	B	B	B	01021
6.	DEC 20	1159AM	TO NORTH DADE	305 620-9615	D	3	.6%	1	J2	%2	B	B	B	01021
7.	DEC 20	1207PM	TO NORTH DADE	305 620-9615	D	1	.28	1	J2	%2	B	B	B	01021
8.	DEC 20	1209PM	TO NORTH DADE	305 620-9615	D	37	6.0%	1	J2	%8	B	B	B	01021
9.	DEC 20	1246PM	TO NORTH DADE	305 620-9615	D	1	.28	1	J2	2%	B	B	B	01021
10.	DEC 20	1247PM	TO NORTH DADE	305 620-9615	D	23	3.80	1	J2	00	B	B	B	01021
11.	DEC 20	110PM	TO NORTH DADE	305 620-7%65	D	27	%.%%	1	J2	30	B	B	B	01021
12.	DEC 20	137PM	TO NORTH DADE	305 621-%251	D	18	3.00	1	J2	00	B	B	B	01021
13.	DEC 20	186PM	TO NORTH DADE	305 620-7%65	D	8	1.%0	1	J2	2%	B	B	B	01021

NPA CO LINE CST EXCH CL SVC BILL DA TY
305 733-1697 633 OKLD IFR 01 19 84

ITEMIZED CALLS 305-733-1697 PAGE 00007 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	LN	TKT	ID	D	B	S	RRRRT
**SOUTHERN BELL (CONTD)														
1.	DEC 20	203PM	TO NORTH DADE	305 621-%251	D	1%	2.36	1	J2	36	B	B	B	01021
2.	DEC 20	242PM	TO NORTH DADE	305 620-7%65	D	%	.76	1	J2	2%	B	B	B	01021
3.	DEC 20	245PM	TO NORTH DADE	305 620-9615	D	6	1.08	1	J2	%8	B	B	B	01021
4.	DEC 20	259PM	TO NORTH DADE	305 620-9615	D	10	1.72	1	J2	18	B	B	B	01021
5.	DEC 20	311PM	TO NORTH DADE	305 620-7%65	D	%	.76	1	J2	06	B	B	B	01021
6.	DEC 20	316PM	TO NORTH DADE	305 620-7%65	D	1	.28	1	J2	18	B	B	B	01021
7.	DEC 20	318PM	TO NORTH DADE	305 620-7%65	D	%	.76	1	J2	36	B	B	B	01021
8.	DEC 20	335PM	TO NORTH DADE	305 620-9615	D	9	1.56	1	J2	%2	B	B	B	01021
9.	DEC 20	3%%PM	TO NORTH DADE	305 620-167%	D	59	9.56	1	J2	%8	B	B	B	01021
10.	DEC 20	%%7PM	TO NORTH DADE	305 620-167%	DM	76	8.75	1	J2	%8	B	B	B	01021
11.	DEC 20	6%3PM	TO NORTH DADE	305 620-9615	E	1	.18	1	J2	12	B	B	B	01021
12.	DEC 20	64%PM	TO NORTH DADE	305 620-167%	E	5	.59	1	J2	%8	B	B	B	01021
13.	DEC 20	651PM	TO NORTH DADE	305 620-9615	E	9	1.01	1	J2	5%	B	B	B	01021



PA CC LINE CST EXCH CL SVC BILL DA TY
05 733-1697 633 ORLD IFR 01 19 84

ITEMIZED CALLS 305-733-1697 PAGE 00008 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	LA--TKT	ID--	D	B	S	RRRRT
	SOUTHERN BELL		(CONTD)										
1.	DEC 20	703PM	TO NORTH DADE	305 620-7965	E	2	.20	1 32	36	B	B	5	01021
2.	DEC 20	708PM	TO NORTH DADE	305 620-7965	E	1	.10	1 32	54	B	B	5	01021
3.	DEC 20	756PM	TO NORTH DADE	305 620-1679	E	9	.99	1 32	00	B	B	5	01021
4.	DEC 20	833PM	TO NORTH DADE	305 620-1679	E	2	.20	1 32	54	B	B	5	01021
5.	DEC 20	852PM	TO NORTH DADE	305 620-1679	E	1	.10	1 32	18	B	B	5	01021
6.	DEC 20	852PM	TO NORTH DADE	305 620-7965	E	9	.99	1 32	00	B	B	5	01021
7.	DEC 20	917PM	TO NORTH DADE	305 620-9615	E	57	6.60	1 32	00	B	B	5	01021
8.	DEC 20	1016PM	TO NORTH DADE	305 620-1679	E	29	3.09	1 32	12	B	B	5	01021
9.	DEC 21	1113AM	TO NORTH DADE	305 625-9972	D	1	.20	1 32	06	B	B	5	01021
10.	DEC 21	1210PM	TO NORTH DADE	305 620-9615	D	1	.20	1 32	42	B	B	5	01021
11.	DEC 21	1251PM	TO NORTH DADE	305 620-9615	D	1	.20	1 32	42	B	B	5	01021
12.	DEC 21	1252PM	TO NORTH DADE	305 620-9615	D	26	2.20	1 32	54	B	B	5	01021
13.	DEC 21	302PM	TO NORTH DADE	305 620-7965	D	2	.99	1 32	06	B	B	5	01021

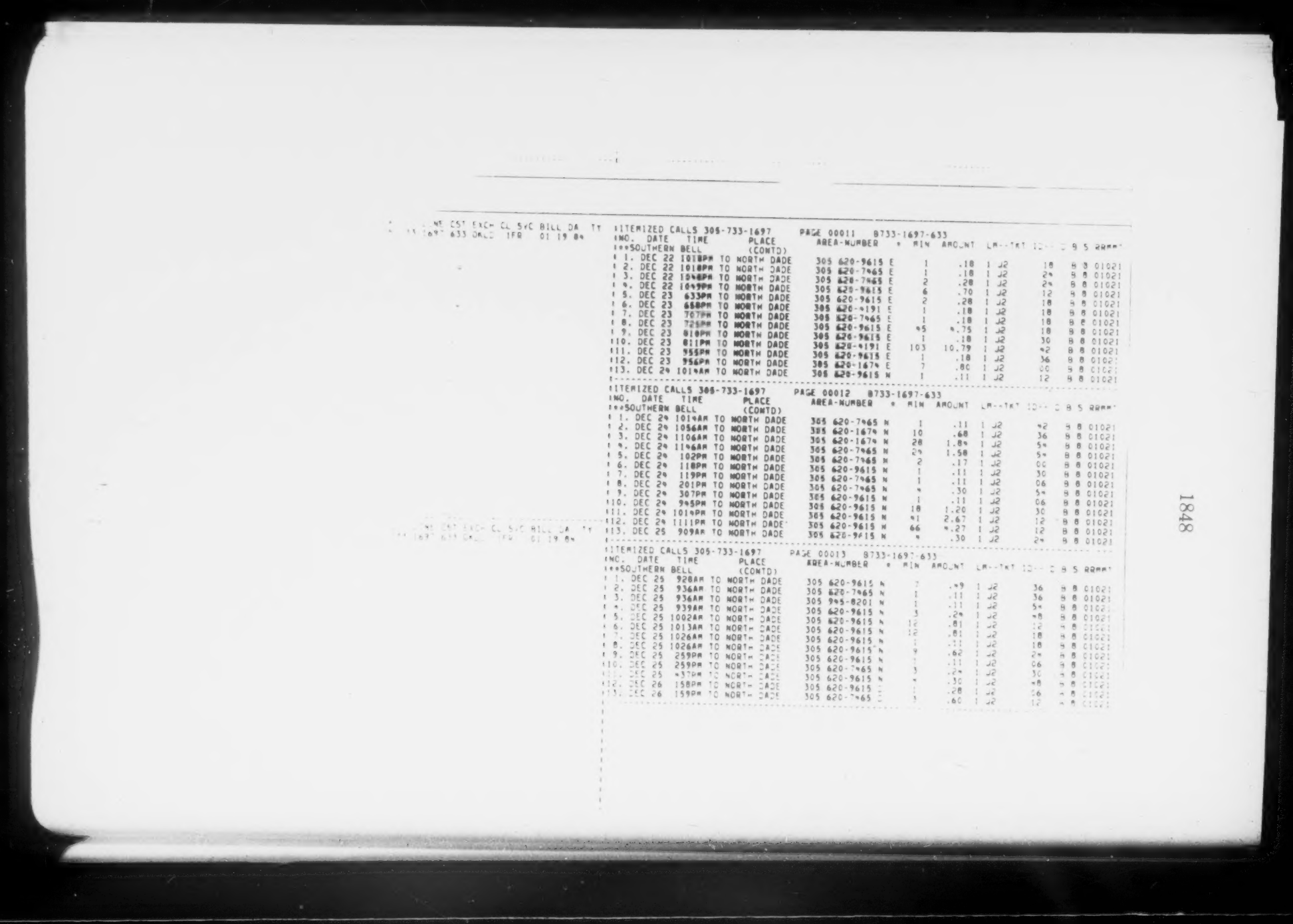
ITEMIZED CALLS 305-733-1697 PAGE 00009 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	LA--TKT	ID--	D	B	S	RRRRT
	SOUTHERN BELL		(CONTD)										
1.	DEC 21	701PM	TO NORTH DADE	305 620-1679	E	3	.39	1 32	54	B	B	5	01021
2.	DEC 21	719PM	TO NORTH DADE	305 620-1679	E	7	.80	1 32	24	B	B	5	01021
3.	DEC 21	743PM	TO NORTH DADE	305 620-1679	E	1	.10	1 32	06	B	B	5	01021
4.	DEC 21	746PM	TO NORTH DADE	305 620-9615	E	5	.59	1 32	42	B	B	5	01021
5.	DEC 21	756PM	TO NORTH DADE	305 620-7965	E	2	.20	1 32	48	B	B	5	01021
6.	DEC 21	758PM	TO NORTH DADE	305 620-7968	E	1	.10	1 32	54	B	B	5	01021
7.	DEC 21	823PM	TO NORTH DADE	305 620-1679	E	1	.10	1 32	06	B	B	5	01021
8.	DEC 21	826PM	TO NORTH DADE	305 620-9615	E	1	.10	1 32	00	B	B	5	01021
9.	DEC 21	848PM	TO NORTH DADE	305 620-9615	E	1	.10	1 32	48	B	B	5	01021
10.	DEC 21	859PM	TO NORTH DADE	305 620-7968	E	1	.10	1 32	06	B	B	5	01021
11.	DEC 21	933PM	TO NORTH DADE	305 620-1679	E	62	6.52	1 32	36	B	B	5	01021
12.	DEC 22	836PM	TO NORTH DADE	305 620-1679	E	1	.10	1 32	06	B	B	5	01021
13.	DEC 22	837PM	TO NORTH DADE	305 620-7965	E	1	.10	1 32	48	B	B	5	01021

A CC LINE CST EXCH CL SVC BILL DA TY
5 733-1697 633 ORLD IFR 01 19 84

ITEMIZED CALLS 305-733-1697 PAGE 00010 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	LA--TKT	ID--	D	B	S	RRRRT
	SOUTHERN BELL		(CONTD)										
1.	DEC 22	838PM	TO NORTH DADE	305 620-7965	E	1	.10	1 32	24	B	B	5	01021
2.	DEC 22	854PM	TO NORTH DADE	305 620-7965	E	48	5.07	1 32	06	B	B	5	01021
3.	DEC 22	922PM	TO NORTH DADE	305 620-9615	E	2	.20	1 32	48	B	B	5	01021
4.	DEC 22	946PM	TO NORTH DADE	305 620-7965	E	2	.20	1 32	06	B	B	5	01021
5.	DEC 22	947PM	TO NORTH DADE	305 620-1679	E	1	.10	1 32	06	B	B	5	01021
6.	DEC 22	958PM	TO NORTH DADE	305 620-9615	E	9	.99	1 32	42	B	B	5	01021
7.	DEC 22	958PM	TO NORTH DADE	305 620-9191	E	7	.80	1 32	48	B	B	5	01021
8.	DEC 22	1002PM	TO NORTH DADE	305 620-7965	E	2	.20	1 32	54	B	B	5	01021
9.	DEC 22	1005PM	TO NORTH DADE	305 620-9615	E	1	.10	1 32	54	B	B	5	01021
10.	DEC 22	1006PM	TO NORTH DADE	305 620-9615	E	1	.10	1 32	06	B	B	5	01021
11.	DEC 22	1006PM	TO NORTH DADE	305 620-9615	E	9	.99	1 32	00	B	B	5	01021
12.	DEC 22	1011PM	TO NORTH DADE	305 620-9615	E	7	.80	1 32	18	B	B	5	01021
13.	DEC 22	1017PM	TO NORTH DADE	305 620-9615	E	1	.10	1 32	06	B	B	5	01021



ITEMIZED CALLS 305-733-1697 PAGE 00011 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	LR--TKT	ID--	C	B	S	RRRR*
	***SOUTHERN BELL		(CONTD)										
1.	DEC 22	1018PM	TO NORTH DADE	305 620-9615	E	1	.18	1 J2	18		B	B	01021
2.	DEC 22	1018PM	TO NORTH DADE	305 620-7965	E	1	.18	1 J2	24		B	B	01021
3.	DEC 22	1048PM	TO NORTH DADE	305 620-7965	E	2	.28	1 J2	24		B	B	01021
4.	DEC 22	1049PM	TO NORTH DADE	305 620-9615	E	6	.70	1 J2	12		B	B	01021
5.	DEC 23	633PM	TO NORTH DADE	305 620-9615	E	2	.28	1 J2	18		B	B	01021
6.	DEC 23	658PM	TO NORTH DADE	305 620-9191	E	1	.18	1 J2	18		B	B	01021
7.	DEC 23	707PM	TO NORTH DADE	305 620-7965	E	1	.18	1 J2	18		B	B	01021
8.	DEC 23	725PM	TO NORTH DADE	305 620-9615	E	45	4.75	1 J2	18		B	B	01021
9.	DEC 23	810PM	TO NORTH DADE	305 620-9615	E	1	.18	1 J2	30		B	B	01021
10.	DEC 23	811PM	TO NORTH DADE	305 620-9191	E	103	10.79	1 J2	42		B	B	01021
11.	DEC 23	955PM	TO NORTH DADE	305 620-9615	E	1	.18	1 J2	36		B	B	01021
12.	DEC 23	956PM	TO NORTH DADE	305 620-1674	E	7	.80	1 J2	00		B	B	01021
13.	DEC 24	1014AM	TO NORTH DADE	305 620-9615	N	1	.11	1 J2	12		B	B	01021

ITEMIZED CALLS 305-733-1697 PAGE 00012 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	LR--TKT	ID--	C	B	S	RRRR*
	***SOUTHERN BELL		(CONTD)										
1.	DEC 24	1014AM	TO NORTH DADE	305 620-7965	N	1	.11	1 J2	42		B	B	01021
2.	DEC 24	1056AM	TO NORTH DADE	305 620-1674	N	10	.68	1 J2	36		B	B	01021
3.	DEC 24	1106AM	TO NORTH DADE	305 620-1674	N	28	1.84	1 J2	54		B	B	01021
4.	DEC 24	1146AM	TO NORTH DADE	305 620-7965	N	24	1.58	1 J2	54		B	B	01021
5.	DEC 24	102PM	TO NORTH DADE	305 620-7965	N	2	.17	1 J2	00		B	B	01021
6.	DEC 24	118PM	TO NORTH DADE	305 620-9615	N	1	.11	1 J2	30		B	B	01021
7.	DEC 24	119PM	TO NORTH DADE	305 620-7965	N	1	.11	1 J2	06		B	B	01021
8.	DEC 24	201PM	TO NORTH DADE	305 620-7965	N	4	.30	1 J2	54		B	B	01021
9.	DEC 24	307PM	TO NORTH DADE	305 620-9615	N	1	.11	1 J2	06		B	B	01021
10.	DEC 24	945PM	TO NORTH DADE	305 620-9615	N	18	1.20	1 J2	30		B	B	01021
11.	DEC 24	1014PM	TO NORTH DADE	305 620-9615	N	41	2.67	1 J2	12		B	B	01021
12.	DEC 24	1111PM	TO NORTH DADE	305 620-9615	N	66	4.27	1 J2	12		B	B	01021
13.	DEC 25	909AM	TO NORTH DADE	305 620-9615	N	4	.30	1 J2	24		B	B	01021

ITEMIZED CALLS 305-733-1697 PAGE 00013 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	LR--TKT	ID--	C	B	S	RRRR*
	***SOUTHERN BELL		(CONTD)										
1.	DEC 25	928AM	TO NORTH DADE	305 620-9615	N	7	.49	1 J2	36		B	B	01021
2.	DEC 25	936AM	TO NORTH DADE	305 620-7965	N	1	.11	1 J2	36		B	B	01021
3.	DEC 25	936AM	TO NORTH DADE	305 945-8201	N	1	.11	1 J2	54		B	B	01021
4.	DEC 25	939AM	TO NORTH DADE	305 620-9615	N	3	.24	1 J2	48		B	B	01021
5.	DEC 25	1002AM	TO NORTH DADE	305 620-9615	N	12	.81	1 J2	12		B	B	01021
6.	DEC 25	1013AM	TO NORTH DADE	305 620-9615	N	12	.81	1 J2	18		B	B	01021
7.	DEC 25	1026AM	TO NORTH DADE	305 620-9615	N	1	.11	1 J2	18		B	B	01021
8.	DEC 25	1026AM	TO NORTH DADE	305 620-9615	N	9	.62	1 J2	24		B	B	01021
9.	DEC 25	259PM	TO NORTH DADE	305 620-9615	N	1	.11	1 J2	06		B	B	01021
10.	DEC 25	259PM	TO NORTH DADE	305 620-7965	N	3	.24	1 J2	30		B	B	01021
11.	DEC 25	437PM	TO NORTH DADE	305 620-9615	N	4	.30	1 J2	48		B	B	01021
12.	DEC 26	158PM	TO NORTH DADE	305 620-9615	E	1	.28	1 J2	06		B	B	01021
13.	DEC 26	159PM	TO NORTH DADE	305 620-7965	E	3	.60	1 J2	12		B	B	01021

DA	CL	LINE	CST	EXCH	CL SVC	BILL DA	TY
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ITEMIZED CALLS 305-733-1697 PAGE 00019 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	LN--TKT	ID--	D	B	S	RRRRT
			***SOUTHERN BELL (CONTD)										
1.	DEC 26	3899PM	TO NORTH DADE	305 620-9615	D	1	.20	1 32	06		B	B	01021
2.	DEC 26	3899PM	TO NORTH DADE	305 620-7665	D	11	1.80	1 32	42		B	B	01021
3.	DEC 26	1026PM	TO NORTH DADE	305 620-9615	E	1	.10	1 32	24		B	B	01021
4.	DEC 26	1026PM	TO NORTH DADE	305 620-7665	E	1	.10	1 32	24		B	B	01021
5.	DEC 27	1037AM	TO NORTH DADE	305 620-9615	D	30	6.20	1 32	12		B	B	01021
6.	DEC 27	1118AM	TO NORTH DADE	305 620-9615	D	4	.76	1 32	12		B	B	01021
7.	DEC 27	1121AM	TO NORTH DADE	305 620-7665	D	1	.20	1 32	12		B	B	01021
8.	DEC 27	1122AM	TO NORTH DADE	305 620-9615	D	2	.44	1 32	36		B	B	01021
9.	DEC 27	1126AM	TO NORTH DADE	305 620-9615	D	8	1.40	1 32	48		B	B	01021
10.	DEC 27	1144AM	TO NORTH DADE	305 620-9615	D	25	4.12	1 32	48		B	B	01021
11.	DEC 27	146PM	TO NORTH DADE	305 626-6244	D	1	.20	1 32	42		B	B	01021
12.	DEC 27	161PM	TO NORTH DADE	305 620-7665	D	1	.20	1 32	12		B	B	01021
13.	DEC 27	320PM	TO NORTH DADE	305 621-0491	D	1	.20	1 32	54		B	B	01021

ITEMIZED CALLS 305-733-1697 PAGE 00018 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	LN--TKT	ID--	D	B	S	RRRRT
			***SOUTHERN BELL (CONTD)										
1.	DEC 27	333PM	TO NORTH DADE	305 620-9615	D	10	1.72	1 32	30		B	B	01021
2.	DEC 27	343PM	TO NORTH DADE	305 620-9615	D	2	.44	1 32	36		B	B	01021
3.	DEC 27	346PM	TO NORTH DADE	305 620-9615	D	4	.76	1 32	12		B	B	01021
4.	DEC 27	359PM	TO NORTH DADE	305 620-9615	D	2	.44	1 32	18		B	B	01021
5.	DEC 27	402PM	TO NORTH DADE	305 620-9615	D	21	3.48	1 32	36		B	B	01021
6.	DEC 27	546PM	TO NORTH DADE	305 620-9615	E	1	.10	1 32	06		B	B	01021
7.	DEC 28	832PM	TO NORTH DADE	305 620-9191	E	19	2.05	1 32	48		B	B	01021
8.	DEC 28	854PM	TO NORTH DADE	305 620-1674	E	65	6.83	1 32	36		B	B	01021
9.	DEC 28	1008PM	TO NORTH DADE	305 620-1674	E	1	.10	1 32	30		B	B	01021
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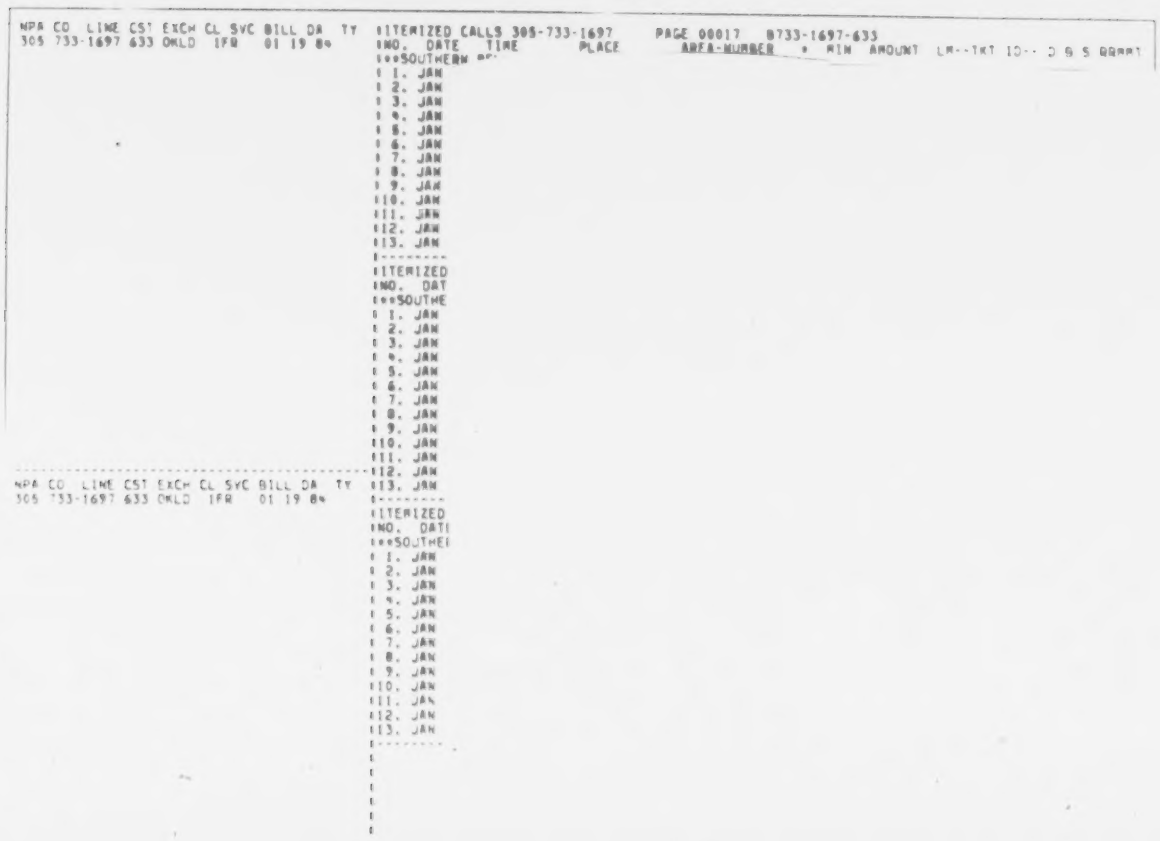
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ITEMIZED CALLS 305-733-1697 PAGE 00017 8733-1697-633
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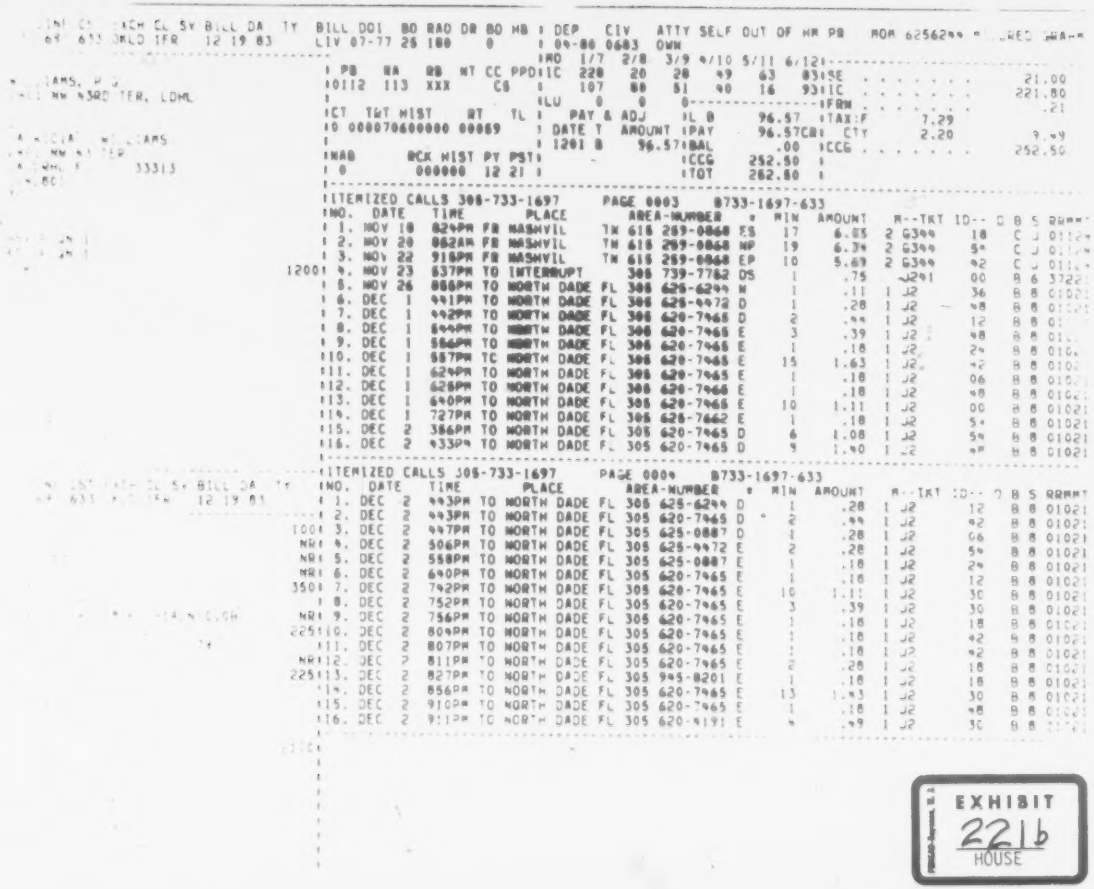

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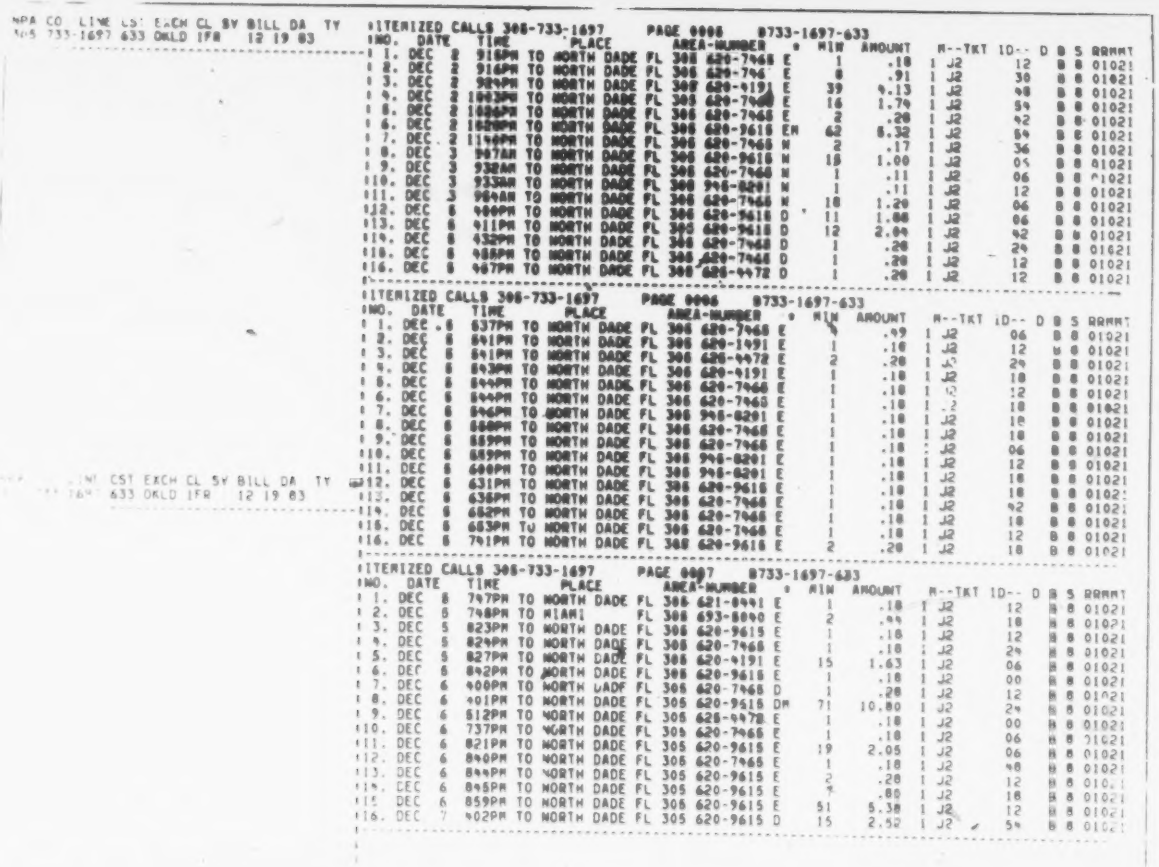

NPA CO LINE LS: EACH CL SY BILL DA TY
305 733-1697 633 OKLD IFR 12 19 03

ITEMIZED CALLS 305-733-1697 PAGE 0005 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMT
1.	DEC 2	918PM	TO NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	12		B	B	01021
2.	DEC 2	916PM	TO NORTH DADE	FL 305 620-796	E	0	.91	1 J2	30		B	B	01021
3.	DEC 2	909PM	TO NORTH DADE	FL 305 620-9191	E	39	4.13	1 J2	48		B	B	01021
4.	DEC 2	1003PM	TO NORTH DADE	FL 305 620-7468	E	16	1.74	1 J2	54		B	B	01021
5.	DEC 2	1006PM	TO NORTH DADE	FL 305 620-7468	E	2	.28	1 J2	42		B	B	01021
6.	DEC 2	1020PM	TO NORTH DADE	FL 305 620-9618	EM	62	8.32	1 J2	54		B	B	01021
7.	DEC 2	1144PM	TO NORTH DADE	FL 305 620-7468	N	2	.17	1 J2	36		B	B	01021
8.	DEC 3	947AM	TO NORTH DADE	FL 305 620-9618	N	18	1.00	1 J2	05		B	B	01021
9.	DEC 3	932AM	TO NORTH DADE	FL 305 620-7468	N	1	.11	1 J2	06		B	B	01021
10.	DEC 3	933AM	TO NORTH DADE	FL 305 946-8201	N	1	.11	1 J2	12		B	B	01021
11.	DEC 3	904AM	TO NORTH DADE	FL 305 620-7468	N	18	1.20	1 J2	06		B	B	01021
12.	DEC 6	1000PM	TO NORTH DADE	FL 305 620-9618	D	11	1.88	1 J2	06		B	B	01021
13.	DEC 6	911PM	TO NORTH DADE	FL 305 620-9618	D	12	2.04	1 J2	42		B	B	01021
14.	DEC 6	432PM	TO NORTH DADE	FL 305 620-7468	D	1	.28	1 J2	24		B	B	01021
15.	DEC 6	486PM	TO NORTH DADE	FL 305 620-7468	D	1	.28	1 J2	12		B	B	01021
16.	DEC 6	467PM	TO NORTH DADE	FL 305 620-9472	D	1	.28	1 J2	12		B	B	01021

ITEMIZED CALLS 305-733-1697 PAGE 0006 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMT
1.	DEC 6	637PM	TO NORTH DADE	FL 305 620-7468	E	1	.99	1 J2	06		B	B	01021
2.	DEC 6	641PM	TO NORTH DADE	FL 305 620-1491	E	1	.10	1 J2	12		B	B	01021
3.	DEC 6	641PM	TO NORTH DADE	FL 305 620-9472	E	2	.20	1 J2	24		B	B	01021
4.	DEC 6	643PM	TO NORTH DADE	FL 305 620-9191	E	1	.10	1 J2	18		B	B	01021
5.	DEC 6	644PM	TO NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	12		B	B	01021
6.	DEC 6	644PM	TO NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	12		B	B	01021
7.	DEC 6	646PM	TO NORTH DADE	FL 305 946-8201	E	1	.10	1 J2	18		B	B	01021
8.	DEC 6	648PM	TO NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	18		B	B	01021
9.	DEC 6	649PM	TO NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	18		B	B	01021
10.	DEC 6	649PM	TO NORTH DADE	FL 305 946-8201	E	1	.10	1 J2	06		B	B	01021
11.	DEC 6	648PM	TO NORTH DADE	FL 305 946-8201	E	1	.10	1 J2	12		B	B	01021
12.	DEC 6	631PM	TO NORTH DADE	FL 305 620-9618	E	1	.10	1 J2	18		B	B	01021
13.	DEC 6	636PM	TO NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	18		B	B	01021
14.	DEC 6	652PM	TO NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	42		B	B	01021
15.	DEC 6	653PM	TU NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	18		B	B	01021
16.	DEC 6	701PM	TO NORTH DADE	FL 305 620-9618	E	2	.20	1 J2	18		B	B	01021

ITEMIZED CALLS 305-733-1697 PAGE 0007 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMT
1.	DEC 6	747PM	TO NORTH DADE	FL 305 621-8441	E	1	.10	1 J2	12		B	B	01021
2.	DEC 6	748PM	TO MIAMI	FL 305 693-8000	E	2	.99	1 J2	18		B	B	01021
3.	DEC 6	823PM	TO NORTH DADE	FL 305 620-9615	E	1	.10	1 J2	12		B	B	01021
4.	DEC 6	824PM	TO NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	24		B	B	01021
5.	DEC 6	827PM	TO NORTH DADE	FL 305 620-9191	E	15	1.63	1 J2	06		B	B	01021
6.	DEC 6	842PM	TO NORTH DADE	FL 305 620-9618	E	1	.10	1 J2	00		B	B	01021
7.	DEC 6	900PM	TO NORTH DADE	FL 305 620-7468	D	1	.28	1 J2	12		B	B	01021
8.	DEC 6	901PM	TO NORTH DADE	FL 305 620-9615	DM	71	10.80	1 J2	24		B	B	01021
9.	DEC 6	912PM	TO NORTH DADE	FL 305 620-9472	E	1	.10	1 J2	00		B	B	01021
10.	DEC 6	737PM	TO NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	06		B	B	01021
11.	DEC 6	821PM	TO NORTH DADE	FL 305 620-9615	E	19	2.05	1 J2	06		B	B	01021
12.	DEC 6	840PM	TO NORTH DADE	FL 305 620-7468	E	1	.10	1 J2	48		B	B	01021
13.	DEC 6	844PM	TO NORTH DADE	FL 305 620-9615	E	2	.28	1 J2	12		B	B	01021
14.	DEC 6	845PM	TO NORTH DADE	FL 305 620-9615	E	7	.80	1 J2	18		B	B	01021
15.	DEC 6	859PM	TO NORTH DADE	FL 305 620-9615	E	51	5.38	1 J2	12		B	B	01021
16.	DEC 7	402PM	TO NORTH DADE	FL 305 620-9615	D	15	2.52	1 J2	54		B	B	01021

NPA CO LINE LS: EACH CL SY BILL DA TY
305 733-1697 633 OKLD IFR 12 19 03

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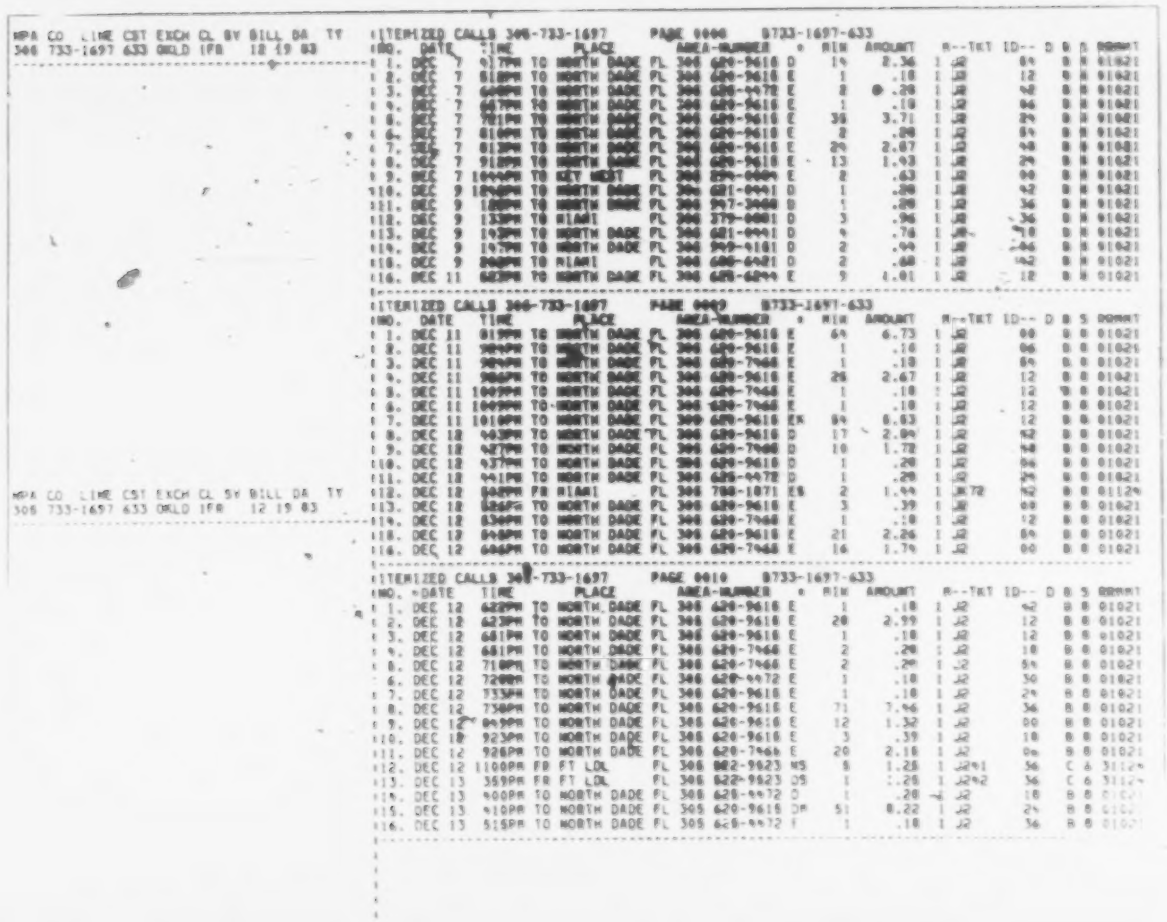

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 0WLD IFR 12 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0008 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	ST	MIN	AMOUNT	M--TKT	ID--	D	B	S	RMMNT
1.	DEC 7	917PM	TO NORTH DADE	FL 305 620-9616	D	14	2.36	1 32	84	B	N		01021
2.	DEC 7	818PM	TO NORTH DADE	FL 305 620-9616	E	1	.18	1 32	12	B	N		01021
3.	DEC 7	648PM	TO NORTH DADE	FL 305 620-9472	E	2	.28	1 32	48	B	N		01021
4.	DEC 7	647PM	TO NORTH DADE	FL 305 620-9616	E	1	.18	1 32	66	B	N		01021
5.	DEC 7	701PM	TO NORTH DADE	FL 305 620-9616	E	35	3.71	1 32	24	B	N		01021
6.	DEC 7	810PM	TO NORTH DADE	FL 305 620-9616	E	2	.28	1 32	54	B	N		01021
7.	DEC 7	813PM	TO NORTH DADE	FL 305 620-9616	E	24	2.87	1 32	48	B	N		01021
8.	DEC 7	918PM	TO NORTH DADE	FL 305 620-9616	E	13	1.93	1 32	24	B	N		01021
9.	DEC 7	1044PM	TO KEY WEST	FL 305 294-0004	E	2	.63	1 32	00	B	N		01021
10.	DEC 9	1054PM	TO NORTH DADE	FL 305 681-0001	D	1	.28	1 32	42	B	N		01021
11.	DEC 9	1208PM	TO NORTH DADE	FL 305 947-3000	D	1	.28	1 32	36	B	N		01021
12.	DEC 9	133PM	TO MIAMI	FL 305 379-6001	D	3	.96	1 32	36	B	N		01021
13.	DEC 9	143PM	TO NORTH DADE	FL 305 681-0001	D	4	.76	1 32	18	B	N		01021
14.	DEC 9	147PM	TO NORTH DADE	FL 305 949-4101	D	2	.44	1 32	46	B	N		01021
15.	DEC 9	240PM	TO MIAMI	FL 305 686-6421	D	2	.68	1 32	42	B	N		01021
16.	DEC 11	623PM	TO NORTH DADE	FL 305 620-6244	E	9	1.01	1 32	12	B	N		01021

ITEMIZED CALLS 305-733-1697 PAGE 0009 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	ST	MIN	AMOUNT	M--TKT	ID--	D	B	S	RMMNT
1.	DEC 11	819PM	TO NORTH DADE	FL 305 620-9616	E	64	6.73	1 32	00	B	B		01021
2.	DEC 11	904PM	TO NORTH DADE	FL 305 620-9616	E	1	.18	1 32	06	B	B		01021
3.	DEC 11	904PM	TO NORTH DADE	FL 305 620-7466	E	1	.18	1 32	84	B	B		01021
4.	DEC 11	906PM	TO NORTH DADE	FL 305 620-9616	E	25	2.67	1 32	12	B	B		01021
5.	DEC 11	1003PM	TO NORTH DADE	FL 305 620-7466	E	1	.18	1 32	12	B	B		01021
6.	DEC 11	1003PM	TO NORTH DADE	FL 305 620-7466	E	1	.18	1 32	12	B	B		01021
7.	DEC 11	1018PM	TO NORTH DADE	FL 305 620-9616	EK	84	8.83	1 32	12	B	B		01021
8.	DEC 12	903PM	TO NORTH DADE	FL 305 620-9616	D	17	2.09	1 32	42	B	B		01021
9.	DEC 12	927PM	TO NORTH DADE	FL 305 620-7466	D	10	1.72	1 32	48	B	B		01021
10.	DEC 12	937PM	TO NORTH DADE	FL 305 620-9616	D	1	.28	1 32	06	B	B		01021
11.	DEC 12	941PM	TO NORTH DADE	FL 305 625-9472	D	1	.28	1 32	24	B	B		01021
12.	DEC 12	1048PM	FR MIAMI	FL 305 788-1871	EB	2	1.44	1 3272	42	B	B		01124
13.	DEC 12	1226PM	TO NORTH DADE	FL 305 620-9616	E	3	.39	1 32	00	B	B		01021
14.	DEC 12	1236PM	TO NORTH DADE	FL 305 620-7466	E	1	.18	1 32	12	B	B		01021
15.	DEC 12	1248PM	TO NORTH DADE	FL 305 620-9616	E	21	2.26	1 32	84	B	B		01021
16.	DEC 12	1046PM	TO NORTH DADE	FL 305 620-7466	E	16	1.74	1 32	00	B	B		01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 0WLD IFR 12 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0010 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	ST	MIN	AMOUNT	M--TKT	ID--	D	B	S	RMMNT
1.	DEC 12	622PM	TO NORTH DADE	FL 305 620-9616	E	1	.18	1 32	42	B	B		01021
2.	DEC 12	623PM	TO NORTH DADE	FL 305 620-9616	E	28	2.99	1 32	12	B	B		01021
3.	DEC 12	681PM	TO NORTH DADE	FL 305 620-9616	E	1	.18	1 32	12	B	B		01021
4.	DEC 12	681PM	TO NORTH DADE	FL 305 620-7466	E	2	.28	1 32	18	B	B		01021
5.	DEC 12	710PM	TO NORTH DADE	FL 305 620-7466	E	2	.28	1 32	54	B	B		01021
6.	DEC 12	720PM	TO NORTH DADE	FL 305 620-9472	E	1	.18	1 32	30	B	B		01021
7.	DEC 12	733PM	TO NORTH DADE	FL 305 620-9616	E	1	.18	1 32	24	B	B		01021
8.	DEC 12	738PM	TO NORTH DADE	FL 305 620-9616	E	71	7.46	1 32	36	B	B		01021
9.	DEC 12	849PM	TO NORTH DADE	FL 305 620-9616	E	12	1.32	1 32	00	B	B		01021
10.	DEC 12	923PM	TO NORTH DADE	FL 305 620-9616	E	3	.39	1 32	18	B	B		01021
11.	DEC 12	926PM	TO NORTH DADE	FL 305 620-7466	E	20	2.16	1 32	06	B	B		01021
12.	DEC 12	1100PM	FR FT LDL	FL 305 882-9623	NS	9	1.28	1 3241	36	C	A		31124
13.	DEC 13	359PM	FR FT LDL	FL 305 882-9623	DS	1	1.28	1 3242	36	C	A		31124
14.	DEC 13	400PM	TO NORTH DADE	FL 305 620-9472	D	1	.28	1 32	18	B	B		01021
15.	DEC 13	410PM	TO NORTH DADE	FL 305 620-9616	DM	51	8.22	1 32	24	B	B		01021
16.	DEC 13	515PM	TO NORTH DADE	FL 305 620-9472	E	1	.18	1 32	36	B	B		01021

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ITEMIZED CALLS 305-733-1697 PAGE 0011 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R	TXT	SU	D	T	RMKS
1.	DEC 13	852PM	TO NORTH DADE FL	305 625-9972	E	1	.18	1	J2	36		A	
2.	DEC 13	601PM	TO NORTH DADE FL	305 620-7465	E	1	.18	1	J2	36		A	
3.	DEC 13	601PM	TO NORTH DADE FL	305 620-9615	E	53	5.59	1	J2	00		A	
4.	DEC 13	656PM	TO NORTH DADE FL	305 620-9615	E	2	.28	1	J2	42		A	
5.	DEC 13	658PM	TO NORTH DADE FL	305 620-7465	E	3	.39	1	J2	42		A	
6.	DEC 13	701PM	TO NORTH DADE FL	305 620-9615	E	1	.18	1	J2	36		A	
7.	DEC 13	702PM	TO NORTH DADE FL	305 620-7465	E	4	.49	1	J2	54		A	
8.	DEC 13	708PM	TO NORTH DADE FL	305 620-7465	E	1	.18	1	J2	36		A	
9.	DEC 13	854PM	TO NORTH DADE FL	305 620-7465	E	8	.91	1	J2	06		A	
10.	DEC 13	901PM	TO NORTH DADE FL	305 620-7465	E	8	.91	1	J2	06		A	
11.	DEC 13	910PM	TO NORTH DADE FL	305 620-9615	E	15	1.63	1	J2	48		A	
12.	DEC 13	926PM	TO NORTH DADE FL	305 620-9615	E	3	.39	1	J2	36		A	
13.	DEC 13	930PM	TO NORTH DADE FL	305 620-9615	E	19	2.05	1	J2	24		A	
14.	DEC 14	358PM	TO NORTH DADE FL	305 620-7465	D	1	.28	1	J2	36		A	
15.	DEC 14	427PM	TO NORTH DADE FL	305 620-7465	D	6	1.08	1	J2	06		A	
16.	DEC 14	433PM	TO NORTH DADE FL	305 620-9615	D	4	.76	1	J2	12		A	

ITEMIZED CALLS 305-733-1697 PAGE 0012 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R	TXT	SU	D	T	RMKS
1.	DEC 14	457PM	TO NORTH DADE FL	305 625-9972	D	2	.44	1	J2	54		A	
2.	DEC 14	856PM	TO NORTH DADE FL	305 620-7465	E	1	.18	1	J2	06		A	
3.	DEC 14	857PM	TO NORTH DADE FL	305 620-9615	E	4	.49	1	J2	24		A	
4.	DEC 14	707PM	TO NORTH DADE FL	305 620-9615	E	12	1.32	1	J2	42		A	
5.	DEC 15	407PM	TO NORTH DADE FL	305 620-7465	D	2	.44	1	J2	18		A	
6.	DEC 15	416PM	TO NORTH DADE FL	305 620-7465	D	7	1.25	1	J2	00		A	
7.	DEC 15	426PM	TO NORTH DADE FL	305 620-9615	D	2	.44	1	J2	30		A	
8.	DEC 15	428PM	TO NORTH DADE FL	305 620-7465	D	2	.44	1	J2	30		A	
9.	DEC 15	429PM	TO NORTH DADE FL	305 620-9615	D	4	.76	1	J2	12		A	
10.	DEC 15	433PM	TO NORTH DADE FL	305 620-7465	D	5	.92	1	J2	00		A	
11.	DEC 15	438PM	TO NORTH DADE FL	305 620-9615	D	1	.28	1	J2	42		A	
12.	DEC 15	439PM	TO NORTH DADE FL	305 620-9615	D	1	.28	1	J2	42		A	
13.	DEC 15	441PM	TO NORTH DADE FL	305 625-9972	D	3	.60	1	J2	24		A	
14.	DEC 15	649PM	TO NORTH DADE FL	305 620-9615	E	12	1.32	1	J2	24		A	
15.	DEC 15	707PM	FR FT LDL	FL 305 522-9523	EP	3	2.75	1	J2*1	36		A	
16.	DEC 16	423PM	TO NORTH DADE FL	305 620-9615	DM	6	9.16	1	J2	48		A	

ITEMIZED CALLS 305-733-1697 PAGE 0013 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R	TXT	SU	D	T	RMKS
	DEC 16	530PM	TO NORTH DADE FL	305 620-1674	E	40	4.86	1	J2	18		A	
	DEC 16	716PM	TO NORTH DADE FL	305 620-7465	E	19	2.05	1	J2	12		A	
	DEC 16	735PM	TO NORTH DADE FL	305 620-9615	E		.18	1	J2	06		A	
	DEC 16	735PM	TO NORTH DADE FL	305 620-7465	E		.44	1	J2			A	
	DEC 16	742PM	TO NORTH DADE FL	305 620-7465	E	18	1.95	1	J2			A	
	DEC 16	810PM	TO NORTH DADE FL	305 620-7465	E			1	J2			A	
	DEC 16	816PM	TO NORTH DADE FL	305 620-9615	E			1	J2			A	
	DEC 16	846PM	TO MIAMI	FL 305 576-5651			.16	1	J2			A	
	DEC 16	846PM	TO NORTH DADE FL	305 620-9615								A	
	DEC 17	912AM	TO NORTH DADE FL	305 620-7465	N					06		A	
	DEC 17	936AM	TO NORTH DADE FL	305 625-9972	N			1	J2			A	
	DEC 17	1224AM	TO NORTH DADE FL	305 620-7465	N			1	J2			A	
	DEC 17	1238AM	TO NORTH DADE FL	305 620-7465	N			1	J2			A	
	DEC 17	1246AM	TO NORTH DADE FL	305 620-9615	N			1	J2			A	
	DEC 17	1254AM	TO NORTH DADE FL	305 620-9615	N			1	J2			A	

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AAA CO  LINE CST EXCH CL SV BILL DA  TY
305 733-1697 633 ORLD IFR   12 19 83
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ITEMIZED CALLS 305-733-1697 PAGE 0014 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	A--TKT	ID--	D	B	S	RRRRT
1.	DEC 18	807PM	TO NORTH DADE FL	305 995-8201	E	1	.18	1 42	18	0	0	0	1021
2.	DEC 19	833PM	TO NORTH DADE FL	305 625-6244	E	13	1.43	1 42	00	0	0	0	1021
3.	DEC 19	911PM	TO NORTH DADE FL	305 620-7468	E	3	.39	1 42	54	0	0	0	1021
4.	DEC 19	914PM	TO NORTH DADE FL	305 620-1674	E	2	.28	1 42	30	0	0	0	1021
5.	DEC 19	916PM	TO NORTH DADE FL	305 620-7468	E	13	1.43	1 42	18	0	0	0	1021
6.	DEC 19	929PM	TO NORTH DADE FL	305 620-1674	E	1	.18	1 42	06	0	0	0	1021
7.	DEC 19	929PM	TO NORTH DADE FL	305 620-7465	E	1	.18	1 42	30	0	0	0	1021
8.	DEC 19	930PM	TO NORTH DADE FL	305 620-9615	E	20	2.99	1 42	54	0	0	0	1021
9.	DEC 19	959PM	TO NORTH DADE FL	305 620-7468	E	20	2.99	1 42	06	0	0	0	1021
10.	DEC 19	1020PM	TO NORTH DADE FL	305 620-7468	E	3	.39	1 42	00	0	0	0	1021
11.	DEC 19	1031PM	TO NORTH DADE FL	305 620-1674	ER	44	9.05	1 42	42	0	0	0	1021
12.	DEC 20	1018AM	TO NORTH DADE FL	305 620-7465	D	4	.76	1 42	48	0	0	0	1021
13.	DEC 20	1047AM	TO NORTH DADE FL	305 620-7465	D	3	.60	1 42	12	0	0	0	1021
14.	DEC 20	1123AM	TO NORTH DADE FL	305 620-7465	D	5	.92	1 42	12	0	0	0	1021
15.	DEC 20	1130AM	TO NORTH DADE FL	305 620-1674	D	1	.28	1 42	06	0	0	0	1021

KEY *-RATE APPLIED:

ITEMIZED CALLS 305-733-1697 PAGE 0015 B733-1697-633

D -DAY
DS -DAY STATION
ER -EVENING MULTIRATE
EP -EVENING PERSON
NS -NITE/WKND STATION
DR -DAY MULTIRATE
E -EVENING
ES -EVENING STATION
N -NITE/WKND
NP -NITE/WKND PERSON

INTER .00 INTRA 198.47 TELE .00 TOT 221.80 INC 0
COIN ORIGINATED: INTER 18.08 INTRA 5.25

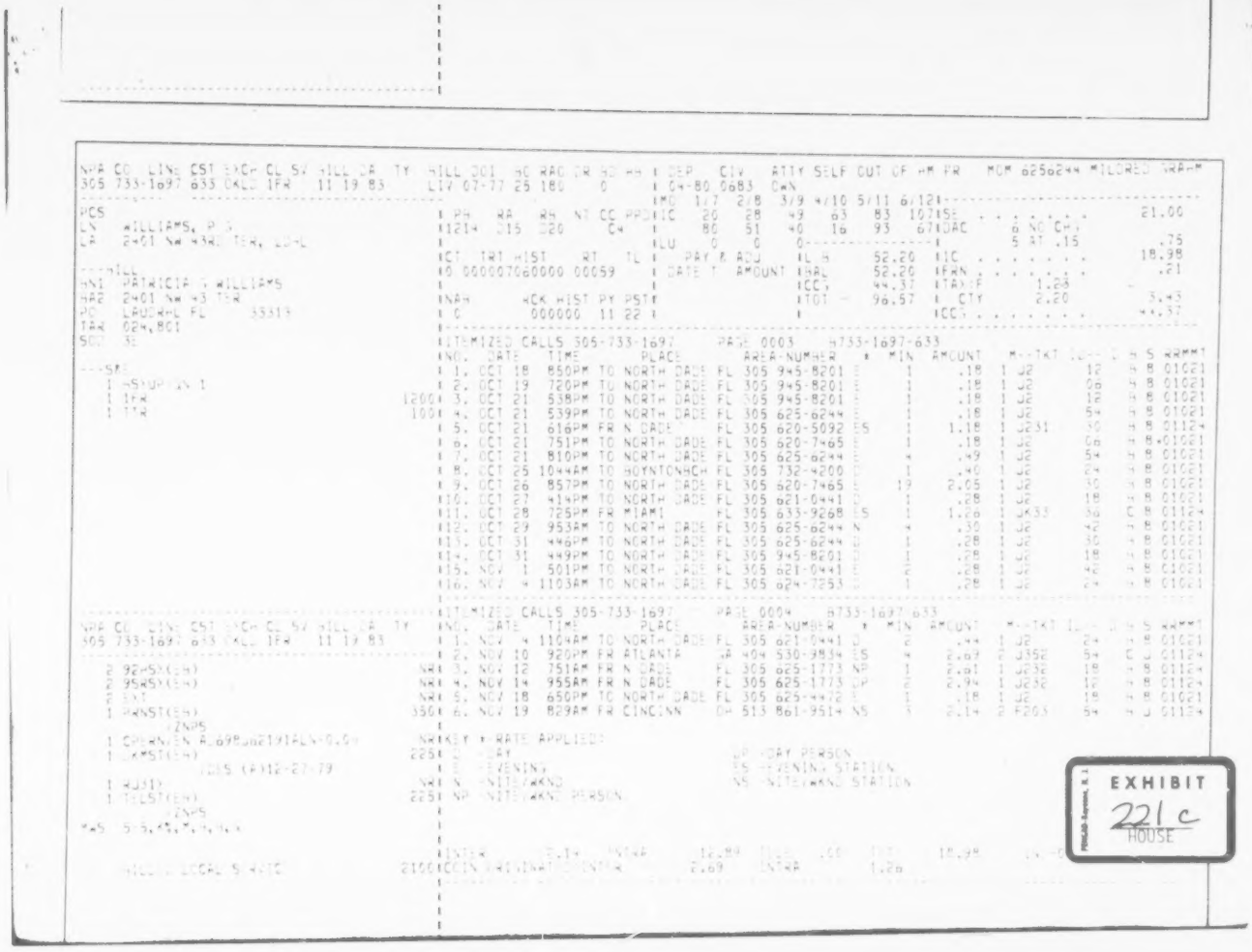
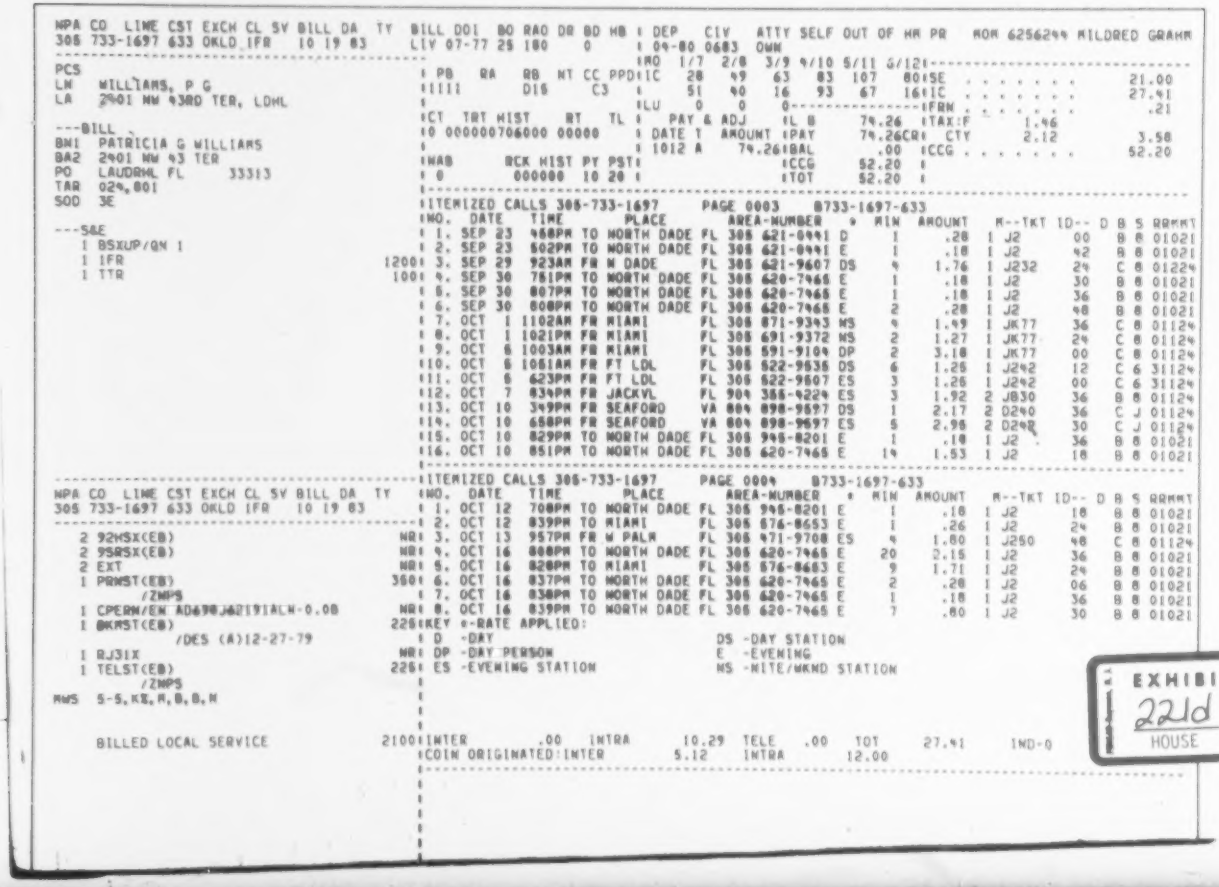


EXHIBIT
221c
HOUSE



NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 10 19 83

BILL DOI BO RAO DR BD HB
LIV 07-77 25 180 0

DEP CIV ATTY SELF OUT OF HR PR
09-80 0683 OWN

MOR 6256299 MILDRED GRAHM

PCS
LN WILLIAMS, P G
LA 2901 NW 93RD TER, LDHL

---BILL
BNI PATRICIA G WILLIAMS
BA2 2901 NW 93 TER
PO LAUDRHL FL 33313
TAR 029,001
SOD 3E

---S&E
1 BSXUP/QM 1
1 IFR
1 TTR

PB RA RB NT CC PPD
1111 DIS C3

CT TRT HIST RT TL
0 000000706000 00000

WAB RCK HIST PY PST
0 000000 10 20

IC 28 49 63 83 107 80
LU 0 0 0

PAY & ADJ
DATE T AMOUNT
1012 A 79.26

IL B 79.26
PAY 79.26
BAL .00
CCG 52.20
TOT 52.20

SE 21.00
IC 27.41
FRN 21
TAX:F 1.46
CTY 2.12 3.58
CCG 52.20

ITEMIZED CALLS 305-733-1697 PAGE 0003 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	SEP 23	448PM	TO NORTH DADE	FL 305 621-0441	D	1	.28	J2	00		B	B	01021
2.	SEP 23	502PM	TO NORTH DADE	FL 305 621-0441	E	1	.18	J2	42		B	B	01021
3.	SEP 29	923AM	FR N DADE	FL 305 621-9607	DS	4	1.76	J232	24		C	B	01224
4.	SEP 30	781PM	TO NORTH DADE	FL 305 620-7465	E	1	.18	J2	30		B	B	01021
5.	SEP 30	807PM	TO NORTH DADE	FL 305 620-7465	E	1	.18	J2	36		B	B	01021
6.	SEP 30	808PM	TO NORTH DADE	FL 305 620-7465	E	2	.28	J2	48		B	B	01021
7.	OCT 1	1102AM	FR MIAMI	FL 305 871-9343	MS	4	1.49	JK77	36		C	B	01124
8.	OCT 1	1021PM	FR MIAMI	FL 305 691-9372	MS	2	1.27	JK77	24		C	B	01124
9.	OCT 6	1003AM	FR MIAMI	FL 305 591-9104	DP	2	3.18	JK77	00		C	B	01124
10.	OCT 6	1051AM	FR FT LDL	FL 305 522-9636	DS	6	1.26	J242	12		C	6	31124
11.	OCT 6	623PM	FR FT LDL	FL 305 522-9607	ES	3	1.26	J242	00		C	6	31124
12.	OCT 7	834PM	FR JACKVL	FL 904 388-4224	ES	3	1.92	JB30	36		B	B	01124
13.	OCT 10	349PM	FR SEAFORD	VA 804 898-9597	DS	1	2.17	D240	36		C	J	01124
14.	OCT 10	658PM	FR SEAFORD	VA 804 898-9597	ES	5	2.98	D240	30		C	J	01124
15.	OCT 10	829PM	TO NORTH DADE	FL 305 945-8201	E	1	.18	J2	36		B	B	01021
16.	OCT 10	851PM	TO NORTH DADE	FL 305 620-7465	E	14	1.53	J2	18		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 10 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0004 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	OCT 12	708PM	TO NORTH DADE	FL 305 945-8201	E	1	.18	J2	18		B	B	01021
2.	OCT 12	839PM	TO MIAMI	FL 305 676-8653	E	1	.26	J2	24		B	B	01021
3.	OCT 13	957PM	FR W PALM	FL 305 471-9708	ES	4	1.80	J250	48		C	B	01124
4.	OCT 16	808PM	TO NORTH DADE	FL 305 620-7465	E	20	2.15	J2	36		B	B	01021
5.	OCT 16	828PM	TO MIAMI	FL 305 676-8653	E	9	1.71	J2	24		B	B	01021
6.	OCT 16	837PM	TO NORTH DADE	FL 305 620-7465	E	2	.28	J2	06		B	B	01021
7.	OCT 16	838PM	TO NORTH DADE	FL 305 620-7465	E	1	.18	J2	36		B	B	01021
8.	OCT 16	839PM	TO NORTH DADE	FL 305 620-7465	E	7	.80	J2	30		B	B	01021

KEY *-RATE APPLIED:
D -DAY
DP -DAY PERSON
ES -EVENING STATION
DS -DAY STATION
E -EVENING
MS -NITE/WKND STATION

2 92WSX(EB)
2 95RSX(EB)
2 EXT
1 PRWST(EB)
/ZMPS
1 CPERM/EN AD&98J62191ALN-0.08
1 BKMST(EB)
/DES (A)12-27-79
1 RJ31X
1 TELST(EB)
/ZMPS
RWS 5-5,K%,R,B,B,N

BILLED LOCAL SERVICE

INTER .00 INTRA 10.29 TELE .00 TOT 27.41 IND-0
COIN ORIGINATED: INTER 5.12 INTRA 12.00

EXHIBIT 22Id HOUSE

1858

```
NPA CO  LINE CST EXCH CL SV BILL DA  TY  BILL DOI  BO RAO DR BD HB : DEP   CIV   ATTY SELF OUT OF HM PR   MOM 6256244 MILDRED GRAHM
305 733-1697 633 OKLD IFR   09 19 83      LIV 07-77 25 180    0     : 09-80 0683  OWN
                                                                    :MO  1/7  2/8  3/9  9/10 5/11 5/12:----------------------
PCS                                                                 :PC   49   63   83  107   80   51:SE . . . . . .        21.00
LN   WILLIAMS, P G                                                  :1012 013  018      C2    :     40   16   93   67   16   10:DAC      6 NO CHG
LA   2401 NW 43RD TER, LDHL                                        :                          :LU    0    0    0-------------:      17 AT .15      2.55
                                                                    :CT  TRT HIST    RT   TL  :    PAY & ADJ          FL B    195.37 :IC . . . . . .        46.02
---BILL                                                             :0 0000000070600 00059     : DATE T  AMOUNT :PAY      195.37CR:FRN . . . . . .         .21
BN1  PATRICIA G WILLIAMS                                            :                          : 0819 B   107.98:BAL         .00 :TAX:F      2.10
BA2  2401 NW 43 TER                                                 :NAB       RCK HIST PY PST: 0909 A    87.39:CCG      74.26 :  CTY      2.38        4.48
PO   LAUDRHL FL      33313                                          : 0          000000  09 21 :                :TOT      74.26 :CCG . . . . . .        74.26
TAR  024,801                                                        :----------------------------------------------------------------------------------
SOD  3E                                                             :ITEMIZED CALLS 305-733-1697     PAGE 0003    B733-1697-633
                                                                    :NO.  DATE   TIME    PLACE          AREA-NUMBER    *  MIN  AMOUNT   M--TKT ID-- D B S RRMMT
---S&E                                                              : 1. AUG 19  231PM TO FTLAUDERDL  FL 305 463-1432
   1 BSXUP/QN 1                                                     :    CALLING CARD FR N DADE     FL 305 621-8299 DC    2   1.19   J231   12   B B 01123
   1 1FR                                          1200:  2. AUG 20  628PM TO FTLAUDERDL  FL 305 731-8176
   1 TTR                                           100:     CALLING CARD FR N DADE     FL 305 621-0441 NC    7   1.24   J231   06   B B 01123
   2 92HSX                                         NRI:  3. AUG 20 1132PM FR N DADE     FL 305 651-9260 NS    1   1.11   JK70   18   C B 01124
   2 9SRSX                                         NRI:  4. AUG 21  343PM TO FTLAUDERDL  FL 305 731-8176
   2 EXT                                           NRI:     CALLING CARD FR N DADE     FL 305 621-0441 NC    6   1.18   J231   54   B B 01123
   1 PRNST/ZNPS                                    350:  5. AUG 22 1135AM TO FTLAUDERDL  FL 305 486-0105
   1 CPERN/EN AD698J62191ALN-0.0B                  NRI:     CALLING CARD FR N DADE     FL 305 621-0441 DC    4   1.51   J231   54   B B 01123
   1 DKMST     /DES (A)12-27-79                    225:  6. AUG 22  539PM TO FTLAUDERDL  FL 305 731-8176
   1 RJ31X                                         NRI:     CALLING CARD FR N DADE     FL 305 621-0441 EC    3   1.14   J232   42   B B 01123
   1 TELST/ZNPS                                    225:  7. AUG 23  835PM FR N DADE     FL 305 945-8201 EP   10   3.61   J232   06   B B 01224
MWS  5-5,K%,M,B,B,N                                    :  8. AUG 24  913AM TO FTLAUDERDL  FL 305 765-4724
                                                       :     CALLING CARD FR ATLANTA    GA 404 530-9283 DC    1   1.67   J3     42   C J 01043
     BILLED LOCAL SERVICE                      2100:  9. AUG 24 1002AM TO NORTH DADE  FL 305 621-3676
                                                       :     CALLING CARD FR ATLANTA    GA 404 530-9474 DC    1   1.67   J3     24   C J 01043
-----------------------------------------------------  :----------------------------------------------------------------------------------
NPA CO  LINE CST EXCH CL SV BILL DA  TY                :ITEMIZED CALLS 305-733-1697     PAGE 0004    B733-1697-633
305 733-1697 633 OKLD IFR   09 19 83                   :NO.  DATE   TIME    PLACE          AREA-NUMBER    *  MIN  AMOUNT   M--TKT ID-- D B S RRMMT
                                                       : 1. AUG 24 1003AM TO NORTH DADE  FL 305 945-8201
                                                       :     CALLING CARD FR ATLANTA    GA 404 530-9474 DC    5   3.39   J3     00   C J 01043
                                                       : 2. AUG 24 1011AM TO MIAMI       FL 305 379-4561
                                                       :     CALLING CARD FR ATLANTA    GA 404 530-9474 DC    2   2.10   J3     54   C J 01043
                                                       : 3. AUG 24 1136AM TO NORTH DADE  FL 305 621-0441
                                                       :     CALLING CARD FR ATLANTA    GA 404 763-9014 DC    4   2.96   J3     42   C J 01043
                                                       : 4. AUG 30 1144AM TO CAIRO       GA 912 377-5673
                                                       :     CALLING CARD FR THOMSVL    GA 912 226-9842 DC    3    .75   JC     36   C B 01043
                                                       : 5. SEP  1  721PM TO FTLAUDERDL  FL 305 733-1697
                                                       :     CALLING CARD FR MIAMI      FL 305 379-9891 EC    2   1.19   JK     12   C B 01043
                                                       : 6. SEP  1  851PM TO FTLAUDERDL  FL 305 484-7899
                                                       :     CALLING CARD FR MIAMI      FL 305 350-9029 EC    1   1.01   JK     00   C B 01043
                                                       : 7. SEP  2  212PM TO WPALMBEACH  FL 305 793-0315 D     1    .40   J2     12   B B 01021
                                                       : 8. SEP  2  408PM LOCAL CALL TO     305 621-0441
                                                       :     CALLING CARD FR MIAMI      FL 305 379-9663 DC    1   1.00   JK     42   C B 31043
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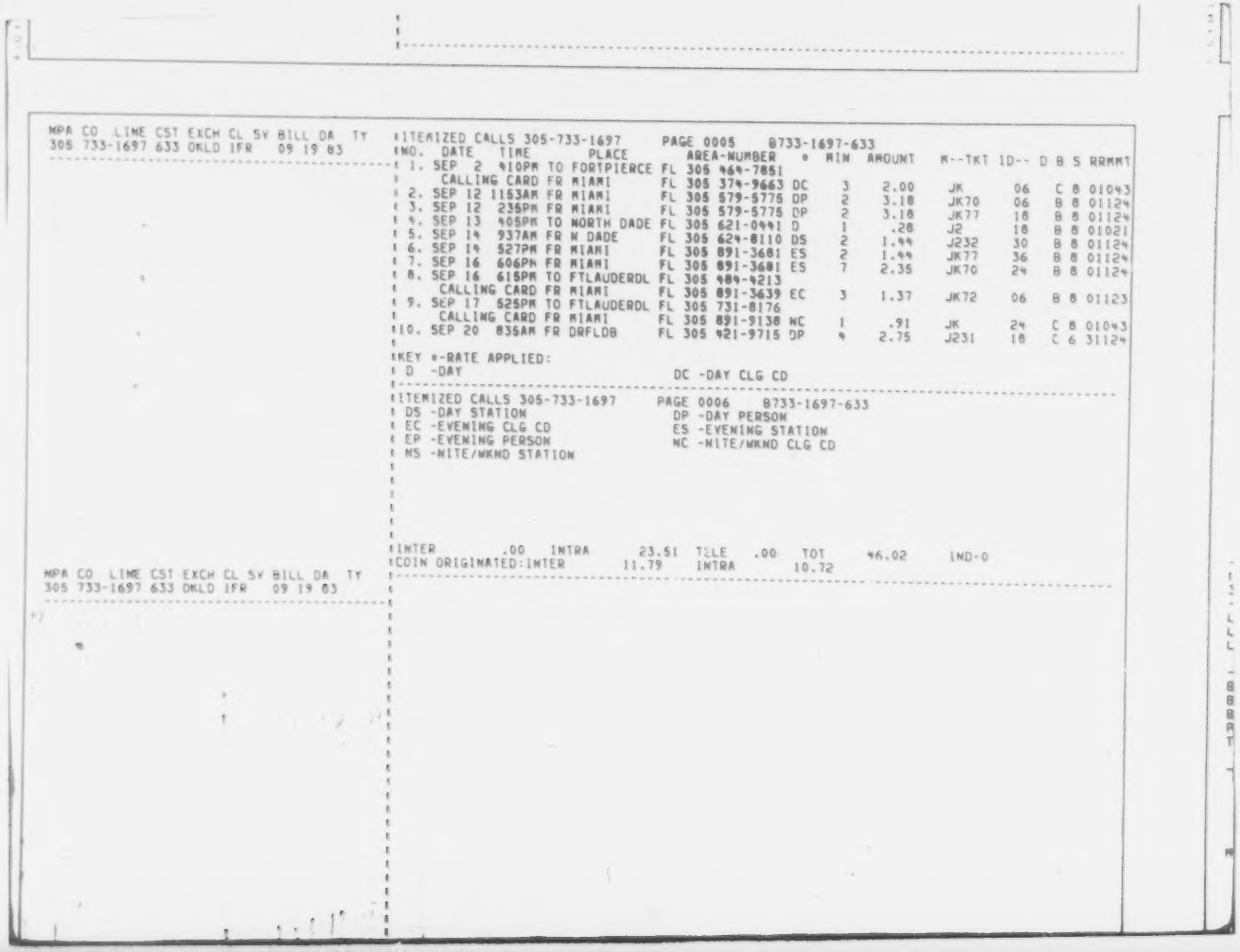
EXHIBIT
22 e
HOUSE

1859



NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 09 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0005 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	SEP 2	910PM	TO FORTPIERCE	FL 305 964-7851									
	CALLING CARD	FR	MIAMI	FL 305 374-9663	DC	3	2.00	JK	06	C	8	0	1043
2.	SEP 12	1153AM	FR MIAMI	FL 305 579-5776	DP	2	3.18	JK70	06	B	8	0	1124
3.	SEP 12	235PM	FR MIAMI	FL 305 579-5776	DP	2	3.18	JK77	18	B	8	0	1124
4.	SEP 13	905PM	TO NORTH DADE	FL 305 621-0991	D	1	.28	J2	18	B	8	0	1021
5.	SEP 14	937AM	FR N DADE	FL 305 624-8110	DS	2	1.44	J232	30	B	8	0	1124
6.	SEP 14	527PM	FR MIAMI	FL 305 891-3681	ES	2	1.44	JK77	36	B	8	0	1124
7.	SEP 16	606PM	FR MIAMI	FL 305 891-3681	ES	7	2.35	JK70	24	B	8	0	1124
8.	SEP 16	615PM	TO FTLAUDERDL	FL 305 484-4213									
	CALLING CARD	FR	MIAMI	FL 305 891-3639	EC	3	1.37	JK72	06	B	8	0	1123
9.	SEP 17	525PM	TO FTLAUDERDL	FL 305 731-8176									
	CALLING CARD	FR	MIAMI	FL 305 891-9138	NC	1	.91	JK	24	C	8	0	1043
10.	SEP 20	835AM	FR DRFLDB	FL 305 921-9715	DP	4	2.75	J231	18	C	6	3	1124

KEY *-RATE APPLIED:
D -DAY DC -DAY CLG CD

ITEMIZED CALLS 305-733-1697 PAGE 0006 8733-1697-633

DS -DAY STATION DP -DAY PERSON
EC -EVENING CLG CD ES -EVENING STATION
EP -EVENING PERSON NC -NITE/WKND CLG CD
NS -NITE/WKND STATION

INTER .00 INTRA 23.51 TELE .00 TOT 96.02 IND-0
COIN ORIGINATED:INTER 11.79 INTRA 10.72

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 09 19 83

```
                TAR TARIFFS (R)
                81-PL-25004

     ORDER ACTIVITY SINCE LAST RECORD
     ORDER NUMBER    COMPLETED  SERIAL N
     SAG TAR CHANGE  06-20-83  SAG309949

     BILLED LOCAL SERVICE                1500

-------------------------------------------------
NPA CO  LINE CST EXCH CL SV BILL DA  TY  BILL DOI  BO RAO DR BD HB
305 733-1697 633 OKLD 1FR    08 19 83     LIV 07-77 25 180    0

PCS
LN   WILLIAMS, P G
LA   2401 NW 43RD TER, LDHL

---BILL
BN1  PATRICIA G WILLIAMS
BA2  2401 NW 43 TER
PO   LAUDRHL FL      33313
TAR  024,801
SOD  3E

---S&E
   1 BSXUP/ON 1
   1 1FR
   1 TTR
   2 92MSX
   2 95PSX
   2 EXT
   1 PRNST/ZNPS
   1 CPERN/EN AD698J62191ALN-0.08
   1 DKMST     /DES (A)12-27-79
   1 RJ31X
   1 TELST/ZNPS
RWS  5-5,KE,M,B,B,N


     ORDER ACTIVITY SINCE LAST RECORD
     ORDER NUMBER    COMPLETED  SERIAL N
     SAG TAR CHANGE  08-20-83  SAG369590
```

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INTER      1.28   INTRA       .00  TELE  .00  TOT      1.28     IND-0

DEP   CIV   ATTY SELF OUT OF HR PR   ROR 6256249 MILDRED GRAHAM
MO  1/7  2/8  3/9 9/10 5/11 6/12
IC   63   83  107   80   51   90
     16   93   67   16   10   52
LU    0    0    0

   PAY & ADJ
DATE T  AMOUNT

NAB       RCK HIST PY PST
 0         000000  08 22

  BILL MESSAGE      305-733-1697    PAGE 0002
                      ***IMPORTANT NOTICE***

AS YOUR BILL CONTAINS A PAST DUE BALANCE OF      $107.98 FROM
LAST MONTH, YOUR SERVICE IS SUBJECT TO DISCONNECTION WITHOUT
FURTHER NOTICE UNLESS YOU MAKE SATISFACTORY PAYMENT ARRANGEMENTS
IMMEDIATELY.
```

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SE  . . . . . .      21.00
DAC      6 NO CHG
        11 AT .15      1.65
IC  . . . . . .      59.76
FRN . . . . . .        .21
TAX:F       2.40
CTY         2.29       4.77
CCG . . . . . .      87.39
```

1981

ORDER ACTIVITY SINCE LAST RECORD

ORDER NUMBER	COMPLETED	SERIAL N
SAG TAR CHANGE	06-20-83	SAG369590

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 08 19 83

5058	06-28-83	836297V81
5058	06-29-83	836310F43
5058	06-29-83	836310F54

BILLED LOCAL SERVICE 21001

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 08 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0004 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	JUL 10	1167PM	FR DANVL	VA 804 799-8926	NS	5	2.48	D241	00		B	J	01224
2.	JUL 15	338PM	TO NORTH DADE	FL 305 621-0491	D	2	.44	J2	36		B	6	01021
3.	JUL 17	309PM	TO MIAMI	FL 305 595-0106	N	1	.16	J2	42		B	B	01021
4.	JUL 23	1109AM	FR DANVL	VA 804 799-8926	NP	19	6.34	D241	36		B	J	01224
5.	JUL 25	1051PM	FR SPENCER	VA 703 967-1803	EPM	19	7.15	D3208038	10		I	J	01314
6.	JUL 25	309PM	TO ATLANTA	GA 404 221-6521									
			CALLING CARD FR N DADE	FL 305 625-9308	DC	20	9.84	J231	30		B	J	01123
7.	JUL 26	934PM	FR DANVL	VA 804 799-8926	EP	3	3.88	D240	06		B	J	01224
8.	JUL 27	528PM	TO FTLAUDERDL	FL 305 739-7655									
			CALLING CARD FR N DADE	FL 305 625-9308	EC	5	1.34	J232	18		B	B	01123
9.	JUL 29	429PM	TO ATLANTA	GA 404 329-0233									
			CALLING CARD FR N DADE	FL 305 625-9308	DC	1	1.67	J231	54		B	J	01123
10.	JUL 29	708PM	FR N DADE	FL 305 621-9607	ES	2	1.28	J232	12		C	B	01124
11.	JUL 31	552PM	FR DANVL	VA 804 799-8926	EP	18	7.75	D241	06		B	J	01224
12.	JUL 31	1211PM	FR TAMPA	FL 813 877-9056	NS	2	1.38	JM	30		J	B	01044

ITEMIZED CALLS 305-733-1697 PAGE 0005 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	AUG 4	115PM	TO FTLAUDERDL	FL 305 739-7655									
			CALLING CARD FR MIAMI	FL 305 891-0546	DC	8	3.11	JK70	48		B	B	01123
2.	AUG 4	1122PM	FR TAMPA	FL 813 872-9584	NS	3	1.54	JM	00		I	B	01124
3.	AUG 6	924AM	TO FTLAUDERDL	FL 305 484-0161									
			CALLING CARD FR ATLANTA	GA 404 530-9021	NC	2	1.47	J3	30		C	J	01043
4.	AUG 12	852AM	FR N DADE	FL 305 940-9573	DS	2	1.44	J231	36		C	B	01124
5.	AUG 12	323PM	TO FTLAUDERDL	FL 305 733-1697									
			CALLING CARD FR N DADE	FL 305 625-9308	DC	1	1.03	J231	54		B	B	01123
6.	AUG 16	1120AM	FR N DADE	FL 305 624-8110	DS	6	2.08	J231	00		B	B	01124
7.	AUG 16	804PM	FR MIAMI	FL 305 823-9122	ES	4	1.80	JK73	54		C	B	01124
8.	AUG 18	1116AM	TO HOMESTEAD	FL 305 258-2993									
			CALLING CARD FR N DADE	FL 305 625-9308	DC	6	2.55	J232	06		B	B	01123
9.	AUG 18	1207PM	TO FTLAUDERDL	FL 305 484-0161									
			CALLING CARD FR N DADE	FL 305 621-8299	DC	1	1.03	J232	30		B	B	01123

KEY *-RATE APPLIED:

ITEMIZED CALLS 305-733-1697 PAGE 0006 8733-1697-633

D -DAY	DC -DAY CLG CD
DS -DAY STATION	EC -EVENING CLG CD
ES -EVENING STATION	EP -EVENING PERSON
EPM-EVENING PERSON MULTIRATE	N -NITE/WKND
NC -NITE/WKND CLG CD	NS -NITE/WKND STATION
NP -NITE/WKND PERSON	

INTER 39.11 INTRA 13.28 TELE .00 TOT 59.76 IND-0
COIN ORIGINATED:INTER 1.47 INTRA 5.90

EXHIBIT 221f HOUSE

1862

ORDER ACTIVITY SINCE LAST RECORD			
ORDER NUMBER	COMPLETED	SERIAL N	
SAG TAR CHANGE	06-20-83	SAG369590	

#14.	JUN 22	334PM	TO MIAMI	FL	305	547-5230	D	2	.55	J2	48	B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD 1FR 07 19 83

5058	06-28-83	B36297V81	
5058	06-29-83	B36310F43	
5058	06-29-83	B36310F54	
BILLED LOCAL SERVICE			2100

#ITEMIZED CALLS 305-733-1697 PAGE 0004 8733-1697-633

#NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
# 1.	JUN 23	809PM	FR TALLAHA	FL 904 878-2173	ES	5	2.22	D3	00	J	B	B	01224
# 2.	JUN 23	331PM	TO MIAMI	FL 305 350-4491	D	7	1.70	J2	12	B	B	B	01021
# 3.	JUN 23	339PM	TO MIAMI	FL 305 579-5775	D	1	.32	J2	36	B	B	B	01021
# 4.	JUN 23	340PM	TO MIAMI	FL 305 579-5925	D	3	.78	J2	06	B	B	B	01021
# 5.	JUN 23	405PM	TO TALLAHASSE	FL 904 681-7676	D	2	1.05	J2	00	B	B	B	01021
# 6.	JUN 23	424PM	TO BOCA RATON	FL 305 395-2300	D	1	.27	J2	30	B	B	B	01021
# 7.	JUN 23	426PM	TO BOCA RATON	FL 305 393-7751	D	1	.27	J2	24	B	B	B	01021
# 8.	JUN 23	426PM	TO BOCA RATON	FL 305 395-2300	D	1	2.35	J2	00	B	B	B	01021
# 9.	JUN 23	441PM	TO BOCA RATON	FL 305 393-7751	D	4	1.07	J2	24	B	B	B	01021
#10.	JUN 23	709PM	TO NORTH DADE	FL 305 624-9232	E	1	.14	J2	00	B	B	B	01021
#11.	JUN 23	717PM	TO NORTH DADE	FL 305 621-8299	E	8	.69	J2	30	B	B	B	01021
#12.	JUN 24	1008PM	FR ATLANTA	GA 404 525-9152	EP	5	4.40	J352	00	C	J	J	01124
#13.	JUN 24	1015PM	FR HOLLY S	MS 601 252-1046	ES	5	2.95	G366	00	B	J	J	01124
#14.	JUN 25	1038AM	TO MIAMI	FL 305 681-1031	N	1	.12	J2	18	B	B	B	01021

#ITEMIZED CALLS 305-733-1697 PAGE 0005 8733-1697-633

#NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT

ORDER ACTIVITY SINCE LAST RECORD
ORDER NUMBER COMPLETED SERIAL N
SAG TAR CHANGE 06-20-83 SAG369590

BILLED LOCAL SERVICE 1500

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD 1FR 07 19 83

BILL DOI BO RAO DR BD HB
LIV 07-77 25 180 0

DEP CIV ATTY SELF OUT OF HM PR MOM 6256244 MILDRED GRAHM
04-80 0683 OWN

	MO	1/7	2/8	3/9	4/10	5/11	6/12	
PB	RA	RB	NT CC PPD	IC	83	107	80	51	40	16	SE	21.00
0811	812	817	C0		93	67	16	10	52	33	DAC	6 NO CHG
				LU	0	0	0			8		12 AT .15 1.80

CT	TRT HIST	RT	TL	PAY & ADJ	L B	316.28	IC	79.59
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				0629 A 183.10	BAL	.00	TAX:F	3.08
NAB	RCK HIST PY PST			0708 A 133.18	CCG	107.98	CTY	2.30 5.38
0	000000 07 21				TOT	107.98	CCG	107.98

PCS
LN WILLIAMS, P G
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRHL FL 33313
TAR 024,801
SOD 3E

---S&E
1 BSXUP/QN 1
1 1FR
1 TTR
2 92HSX
2 9SRSX
2 EXT
1 PRNST/ZNPS
1 CPERN/EN AD69BJ62191ALN-0.0B
1 DKMST /DES (A)12-27-79
1 RJ31X
1 TELST/ZNPS
MWS 5-5,K%,M,B,B,N

EXHIBIT 221g HOUSE

#ITEMIZED CALLS 305-733-1697 PAGE 0003 8733-1697-633

#NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
# 1.	JUN 20	149PM	TO HOLLYWOOD	FL 305 920-4783									
	CALLING CARD FR TALLAHA			FL 904 599-9313	DC	7	3.90	D3	00	J	B	B	01123
1200# 2.	JUN 20	158PM	TO FTLAUDERDL	FL 305 764-0579									
100#	CALLING CARD FR TALLAHA			FL 904 599-9313	DC	1	1.32	D3	30	J	B	B	01123
NR# 3.	JUN 21	649PM	TO NORTH DADE	FL 305 949-9288	E	7	.61	J2	54	B	B	B	01021
NR# 4.	JUN 21	656PM	TO NORTH DADE	FL 305 624-8110	E	8	.69	J2	00	B	B	B	01021
NR# 5.	JUN 21	737PM	TO TALLAHASSE	FL 904 222-3641	E	2	.68	J2	48	B	B	B	01021
350# 6.	JUN 21	739PM	TO TALLAHASSE	FL 904 222-3641	E	1	.40	J2	36	B	B	B	01021
NR# 7.	JUN 21	802PM	TO PERRINE	FL 305 252-0367	E	1	.23	J2	36	B	B	B	01021
225# 8.	JUN 21	1033PM	TO MARIETTA	GA 404 977-9115	E	3	.88	J2	24	B	J	B	01021
NR# 9.	JUN 22	1050AM	TO MIAMI	FL 305 350-4279	D	5	1.24	J2	48	B	B	B	01021
225#10.	JUN 22	1118AM	TO MIAMI	FL 305 891-9470	D	4	1.01	J2	42	B	B	B	01021
#11.	JUN 22	1122AM	TO MIAMI	FL 305 374-4300	D	9	2.16	J2	54	B	B	B	01021
#12.	JUN 22	1144AM	TO MIAMI	FL 305 576-3284	D	2	.55	J2	42	B	B	B	01021
#13.	JUN 22	251PM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	18	B	B	B	01021
#14.	JUN 22	334PM	TO MIAMI	FL 305 547-5230	D	2	.55	J2	48	B	B	B	01021

ORDER ACTIVITY SINCE LAST RECOMD
ORDER NUMBER COMPLETED SERIAL N
SAG TAR CHANGE 06-20-83 SAG369590

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NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 07 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0007 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R--TKT	ID--	D	B	S	RRRMT
1.	JUL 12	1206PM	FR MIAMI	FL 305 624-9401	DS	4	2.24	JK72	48	C	B		01124
2.	JUL 12	500PM	FR N DADE	FL 305 624-8110	ES	2	1.27	J232	12	B	B		01124
3.	JUL 19	216PM	TO MIAMI	FL 305 350-4379	D	1	.40	J2	06	B	B		01021
4.	JUL 19	216PM	TO MIAMI	FL 305 350-4279	D	1	.40	J2	18	B	B		01021
5.	JUL 20	128PM	TO GREAT NECK	NY 516 466-5800									
	CALLING CARD		FR N DADE	FL 305 621-0441	DC	3	2.57	J232	00	B	J		01123
6.	JUL 20	209PM	TO FT LAUDERDL	FL 305 472-1023									
	CALLING CARD		FR N DADE	FL 305 621-0441	DC	1	1.03	J231	30	B	B		011 3

KEY *-RATE APPLIED:
D -DAY
DS -DAY STATION
EC -EVENING CLG CD
EP -EVENING PERSON
DC -DAY CLG CD
E -EVENING
ES -EVENING STATION
N -NITE/WKND

INTER 9.35 INTRA 43.39 TELE .00 TOT 79.89 IND-0
COIN ORIGINATED: INTER 11.61 INTRA 15.24

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1865

NPA CO LINE CST EXCH CL SV BILL DA TY BILL DOI BO RAD DR BO HB
305 733-1697 633 OKLD 1FR 06 19 83 LIV 07-77 25 180 0

PCS
LN WILLIAMS, P G
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRHL FL 33313
TAR 024
SOD 3E

---SRE
1 BSXUP/2N 1
1 1FR
1 TTR
2 92HSX
95HSX
EXT
1 PRNST/ZNPS
1 CPERN/EN AD698J62191ALN-0.04
1 OKMST /DES (A)12-27-79
1 RJ31X
1 TELST/ZNPS
MWS 5-5,K%,M,S,S,S

BILLED LOCAL SERVICE

DEP CIV ATTY SELF OUT OF HM PR MOM 6256244 MILORED GRA
04-80 0381 OWN
MO 1/7 2/8 3/9 4/10 5/11 6/12

PR	RA	RB	NT	CC	PPD
0713		XXX		B*	

CT	TRT	HIST	RT	TL
1	000000000060	001S4		

NAB	RCK	HIST	PY	PST
0		000000	06	21

IC	107	80	51	40	16	93
	67	16	10	52	33	41
LU	0	0	0			

PAY & ADJ
DATE T AMOUNT

IL B	183.10
BAL	183.10
CCS	133.18
TOT	316.28

SE 22.60
DAC 6 NO CHG
15 AT .15 2.25
IC 102.03
TAX:F 3.81
CTY 2.49 6.30
CCS 133.18

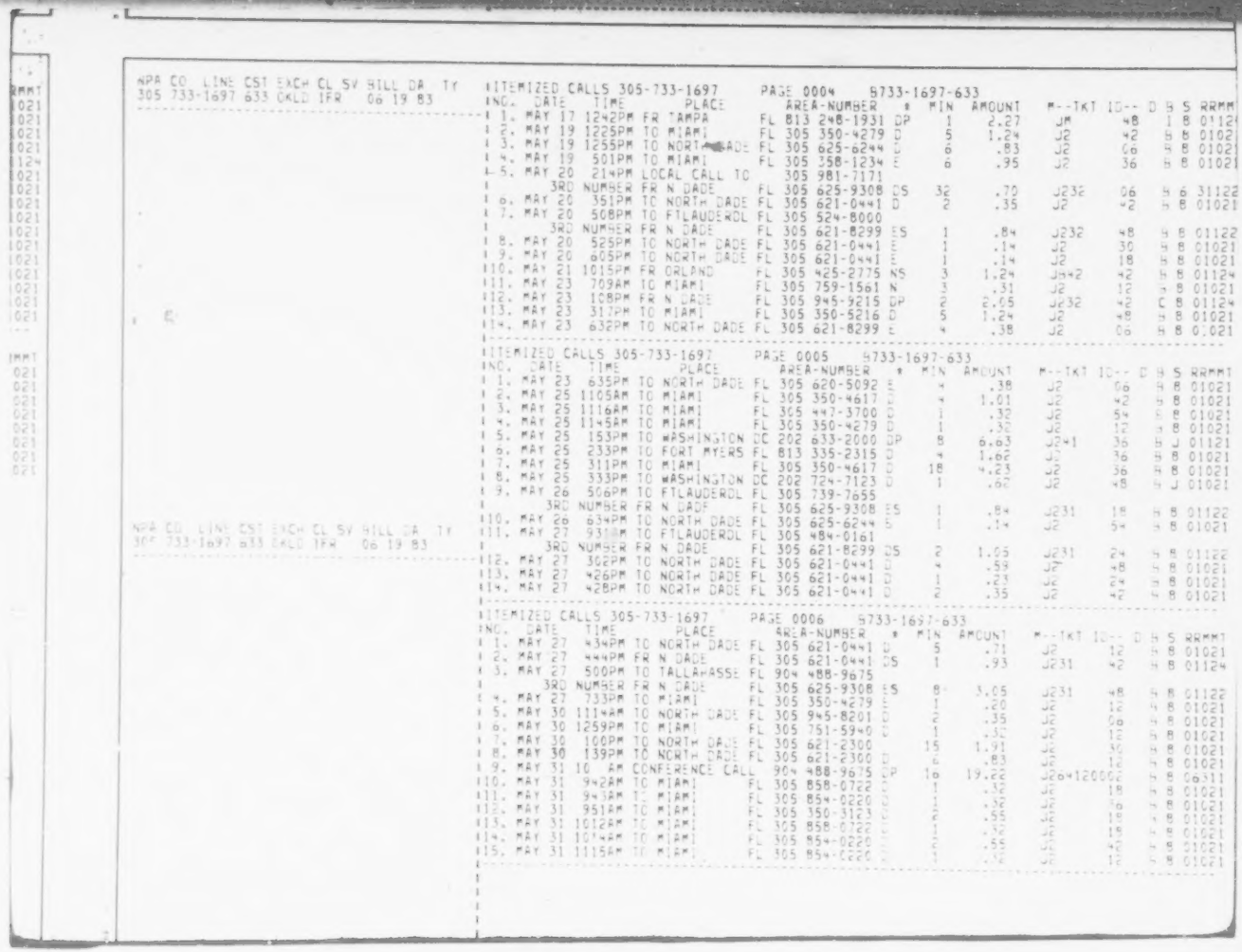
BILL MESSAGE 305-733-1697 PAGE 0002
IMPORTANT NOTICE

AS YOUR BILL CONTAINS A PAST DUE BALANCE OF $183.10 FROM
LAST MONTH, YOUR SERVICE IS SUBJECT TO DISCONNECTION WITHOUT
FURTHER NOTICE UNLESS YOU MAKE SATISFACTORY PAYMENT ARRANGEMENTS
IMMEDIATELY.

1300	
105	
NR	
NR	
NR	
375	
NR	
240	
NR	
240	
2260	

EXHIBIT
22 h
HOUSE

1866



NPA CO LINE CST EACH CL SV BILL DA TY
305 733-1697 633 DALD IFR 06 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0004 5733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	H	S	RRMM
1.	MAY 17	1242PM	FR TAMPA	FL 813 248-1931	DP	1	2.27	JM	48		1	8	01124
2.	MAY 19	1225PM	TO MIAMI	FL 305 350-4279	D	5	1.24	J2	42		5	8	01021
3.	MAY 19	1255PM	TO NORTH DADE	FL 305 625-6244	D	6	.83	J2	06		5	8	01021
4.	MAY 19	501PM	TO MIAMI	FL 305 358-1234	E	6	.95	J2	36		5	8	01021
5.	MAY 20	214PM	LOCAL CALL TO	305 981-7171									
	3RD	NUMBER	FR N DADE	FL 305 625-9308	DS	32	.70	J232	06		5	6	31122
6.	MAY 20	351PM	TO NORTH DADE	FL 305 621-0441	D	2	.35	J2	42		5	8	01021
7.	MAY 20	508PM	TO FTLAUDERDL	FL 305 524-8000									
	3RD	NUMBER	FR N DADE	FL 305 621-8299	ES	1	.84	J232	48		5	8	01122
8.	MAY 20	525PM	TO NORTH DADE	FL 305 621-0441	E	1	.14	J2	30		5	8	01021
9.	MAY 20	605PM	TO NORTH DADE	FL 305 621-0441	E	1	.14	J2	18		5	8	01021
10.	MAY 21	1015PM	FR ORLPND	FL 305 425-2775	NS	3	1.24	J342	42		5	8	01124
11.	MAY 23	709AM	TO MIAMI	FL 305 759-1561	N	3	.31	J2	12		5	8	01021
12.	MAY 23	108PM	FR N DADE	FL 305 945-9215	DP	2	2.05	J232	42		C	8	01124
13.	MAY 23	317PM	TO MIAMI	FL 305 350-5216	D	5	1.24	J2	48		5	8	01021
14.	MAY 23	632PM	TO NORTH DADE	FL 305 621-8299	E	4	.38	J2	06		5	8	01021

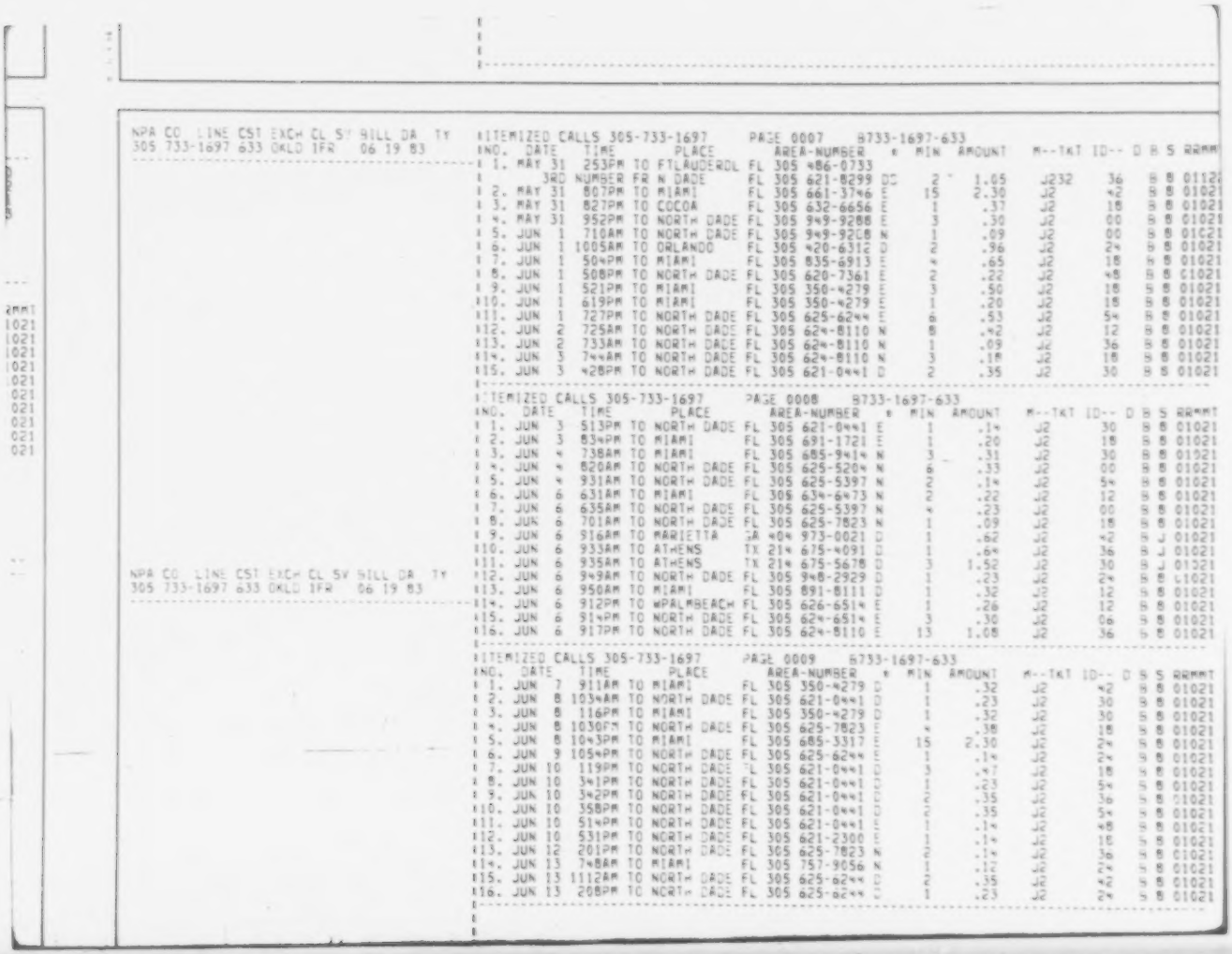
ITEMIZED CALLS 305-733-1697 PAGE 0005 5733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	H	S	RRMM
1.	MAY 23	635PM	TO NORTH DADE	FL 305 620-5092	E	4	.38	J2	06		5	8	01021
2.	MAY 25	1105AM	TO MIAMI	FL 305 350-4617	D	4	1.01	J2	42		5	8	01021
3.	MAY 25	1116AM	TO MIAMI	FL 305 447-3700	D	1	.32	J2	54		5	8	01021
4.	MAY 25	1145AM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	12		5	8	01021
5.	MAY 25	153PM	TO WASHINGTON	DC 202 633-2000	DP	8	6.63	J241	36		5	J	01121
6.	MAY 25	233PM	TO FORT MYERS	FL 813 335-2315	D	4	1.62	J2	36		5	8	01021
7.	MAY 25	311PM	TO MIAMI	FL 305 350-4617	D	18	4.23	J2	36		5	8	01021
8.	MAY 25	333PM	TO WASHINGTON	DC 202 724-7123	D	1	.62	J2	48		5	J	01021
9.	MAY 26	506PM	TO FTLAUDERDL	FL 305 739-7655									
	3RD	NUMBER	FR N DADE	FL 305 625-9308	ES	1	.84	J231	18		5	8	01122
10.	MAY 26	634PM	TO NORTH DADE	FL 305 625-6244	D	1	.14	J2	54		5	8	01021
11.	MAY 27	9310AM	TO FTLAUDERDL	FL 305 484-0161									
	3RD	NUMBER	FR N DADE	FL 305 621-8299	DS	2	1.05	J231	24		5	8	01122
12.	MAY 27	302PM	TO NORTH DADE	FL 305 621-0441	D	4	.59	J2	48		5	8	01021
13.	MAY 27	426PM	TO NORTH DADE	FL 305 621-0441	D	1	.23	J2	24		5	8	01021
14.	MAY 27	428PM	TO NORTH DADE	FL 305 621-0441	D	2	.35	J2	42		5	8	01021

NPA CO LINE CST EACH CL SV BILL DA TY
305 733-1697 633 DALD IFR 06 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0006 5733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	H	S	RRMM
1.	MAY 27	834PM	TO NORTH DADE	FL 305 621-0441	D	5	.71	J2	12		5	8	01021
2.	MAY 27	844PM	FR N DADE	FL 305 621-0441	DS	1	.93	J231	42		5	8	01124
3.	MAY 27	500PM	TO TALLAHASSE	FL 904 488-9675									
	3RD	NUMBER	FR N DADE	FL 305 625-9308	ES	8	3.05	J231	48		5	8	01122
4.	MAY 27	733PM	TO MIAMI	FL 305 350-4279	D	1	.20	J2	12		5	8	01021
5.	MAY 30	1114AM	TO NORTH DADE	FL 305 945-8201	D	2	.35	J2	06		5	8	01021
6.	MAY 30	1259PM	TO MIAMI	FL 305 751-5940	D	2	.32	J2	12		5	8	01021
7.	MAY 30	100PM	TO NORTH DADE	FL 305 621-2300	D	15	1.91	J2	30		5	8	01021
8.	MAY 30	139PM	TO NORTH DADE	FL 305 621-2300	D	6	.83	J2	12		5	8	01021
9.	MAY 31	10 AM	CONFERENCE CALL	904 488-9675	DP	10	19.22	J264	120002		5	8	06311
10.	MAY 31	942AM	TO MIAMI	FL 305 858-0722	D	1	.32	J2	18		5	8	01021
11.	MAY 31	943AM	TO MIAMI	FL 305 854-0220	D	1	.32	J2	30		5	8	01021
12.	MAY 31	951AM	TO MIAMI	FL 305 350-3123	D	2	.55	J2	18		5	8	01021
13.	MAY 31	1012AM	TO MIAMI	FL 305 858-0722	D	1	.32	J2	18		5	8	01021
14.	MAY 31	1014AM	TO MIAMI	FL 305 854-0220	D	2	.55	J2	42		5	8	01021
15.	MAY 31	1115AM	TO MIAMI	FL 305 854-0220	D	1	.32	J2	12		5	8	01021



NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 06 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0007 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRRR
1.	MAY 31	253PM	TO FTLAUDERDL	FL 305 486-0733									
	3RD NUMBER FR N DADE			FL 305 621-8299	DD	2	1.05	J232	36		B	B	01121
2.	MAY 31	807PM	TO MIAMI	FL 305 661-3746	E	15	2.30	J2	42		B	B	01021
3.	MAY 31	827PM	TO COCOA	FL 305 632-6656	E	1	.37	J2	18		B	B	01021
4.	MAY 31	952PM	TO NORTH DADE	FL 305 949-9288	E	3	.30	J2	00		B	B	01021
5.	JUN 1	710AM	TO NORTH DADE	FL 305 949-9208	N	1	.09	J2	00		B	B	01021
6.	JUN 1	1005AM	TO ORLANDO	FL 305 420-6312	D	2	.96	J2	24		B	B	01021
7.	JUN 1	504PM	TO MIAMI	FL 305 835-6913	E	4	.65	J2	18		B	B	01021
8.	JUN 1	508PM	TO NORTH DADE	FL 305 620-7361	E	2	.22	J2	48		B	B	01021
9.	JUN 1	521PM	TO MIAMI	FL 305 350-4279	E	3	.50	J2	18		B	B	01021
10.	JUN 1	619PM	TO MIAMI	FL 305 350-4279	E	1	.20	J2	18		B	B	01021
11.	JUN 1	727PM	TO NORTH DADE	FL 305 625-6244	E	6	.53	J2	54		B	B	01021
12.	JUN 2	725AM	TO NORTH DADE	FL 305 624-8110	N	8	.42	J2	12		B	B	01021
13.	JUN 2	733AM	TO NORTH DADE	FL 305 624-8110	N	1	.09	J2	36		B	B	01021
14.	JUN 3	744AM	TO NORTH DADE	FL 305 624-8110	N	3	.18	J2	18		B	B	01021
15.	JUN 3	428PM	TO NORTH DADE	FL 305 621-0441	D	2	.35	J2	30		B	B	01021

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NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRRR
1.	JUN 3	513PM	TO NORTH DADE	FL 305 621-0441	E	1	.14	J2	30		B	B	01021
2.	JUN 3	834PM	TO MIAMI	FL 305 691-1721	E	1	.20	J2	18		B	B	01021
3.	JUN 4	738AM	TO MIAMI	FL 305 685-9414	N	3	.31	J2	30		B	B	01021
4.	JUN 4	820AM	TO NORTH DADE	FL 305 625-5204	N	8	.33	J2	00		B	B	01021
5.	JUN 4	931AM	TO NORTH DADE	FL 305 625-5397	N	2	.14	J2	54		B	B	01021
6.	JUN 6	631AM	TO MIAMI	FL 305 634-6473	N	2	.22	J2	12		B	B	01021
7.	JUN 6	635AM	TO NORTH DADE	FL 305 625-5397	N	4	.23	J2	00		B	B	01021
8.	JUN 6	701AM	TO NORTH DADE	FL 305 625-7823	N	1	.09	J2	18		B	B	01021
9.	JUN 6	916AM	TO MARIETTA	GA 404 973-0021	D	1	.62	J2	42		B	J	01021
10.	JUN 6	933AM	TO ATHENS	TX 214 675-4091	D	1	.64	J2	36		B	J	01021
11.	JUN 6	935AM	TO ATHENS	TX 214 675-5678	D	3	1.52	J2	30		B	J	01021
12.	JUN 6	949AM	TO NORTH DADE	FL 305 948-2929	D	1	.23	J2	24		B	B	01021
13.	JUN 6	950AM	TO MIAMI	FL 305 891-8111	D	1	.32	J2	12		B	B	01021
14.	JUN 6	912PM	TO WPALMBEACH	FL 305 626-6514	E	1	.26	J2	12		B	B	01021
15.	JUN 6	914PM	TO NORTH DADE	FL 305 624-6514	E	3	.30	J2	06		B	B	01021
16.	JUN 6	917PM	TO NORTH DADE	FL 305 624-8110	E	13	1.08	J2	36		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
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NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRRR
1.	JUN 7	911AM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	42		B	B	01021
2.	JUN 8	1034AM	TO NORTH DADE	FL 305 621-0441	D	1	.23	J2	30		B	B	01021
3.	JUN 8	116PM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	30		B	B	01021
4.	JUN 8	1030PM	TO NORTH DADE	FL 305 625-7823	E	4	.38	J2	18		B	B	01021
5.	JUN 8	1043PM	TO MIAMI	FL 305 685-3317	E	15	2.30	J2	24		B	B	01021
6.	JUN 9	1054PM	TO NORTH DADE	FL 305 625-6244	E	1	.14	J2	24		B	B	01021
7.	JUN 10	119PM	TO NORTH DADE	FL 305 621-0441	D	3	.47	J2	18		B	B	01021
8.	JUN 10	341PM	TO NORTH DADE	FL 305 621-0441	D	1	.23	J2	54		B	B	01021
9.	JUN 10	342PM	TO NORTH DADE	FL 305 621-0441	D	2	.35	J2	36		B	B	01021
10.	JUN 10	358PM	TO NORTH DADE	FL 305 621-0441	D	2	.35	J2	54		B	B	01021
11.	JUN 10	514PM	TO NORTH DADE	FL 305 621-0441	E	1	.14	J2	48		B	B	01021
12.	JUN 10	531PM	TO NORTH DADE	FL 305 621-2300	E	1	.14	J2	18		B	B	01021
13.	JUN 12	201PM	TO NORTH DADE	FL 305 625-7823	N	2	.14	J2	36		B	B	01021
14.	JUN 13	748AM	TO MIAMI	FL 305 757-9056	N	1	.12	J2	24		B	B	01021
15.	JUN 13	1112AM	TO NORTH DADE	FL 305 625-6244	D	2	.35	J2	42		B	B	01021
16.	JUN 13	208PM	TO NORTH DADE	FL 305 625-6244	E	1	.23	J2	24		B	B	01021

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NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRM
1.	JUN 13	329PM	TO NORTH DADE	FL 305 625-6244	D	2	.35	J2	30		B	B	010
2.	JUN 13	400PM	TO TALLAHASSE	FL 904 222-5286	D	3	1.48	J2	36		B	B	010
3.	JUN 13	425PM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	24		B	B	010
4.	JUN 13	426PM	TO MIAMI	FL 305 576-3503	D	4	1.01	J2	36		B	B	010
5.	JUN 13	511PM	TO NORTH DADE	FL 305 625-7823	E	1	.14	J2	48		B	B	010
6.	JUN 13	854PM	TO COLUMBIA	SC 803 799-5004	E	5	1.40	J2	06		B	J	010
7.	JUN 13	928PM	TO NORTH DADE	FL 305 625-7823	E	1	.14	J2	30		B	B	010
8.	JUN 14	812AM	TO MIAMI	FL 305 634-6473	D	1	.32	J2	36		B	B	010
9.	JUN 14	847AM	TO MIAMI	FL 305 350-4279	D	4	1.01	J2	12		B	B	010
10.	JUN 14	919AM	TO PERRINE	FL 305 253-4400	D	4	1.20	J2	12		B	B	010
11.	JUN 14	927AM	TO MIAMI	FL 305 350-4279	D	5	1.24	J2	48		B	B	010
12.	JUN 14	137PM	TO MIAMI	FL 305 350-4279	D	2	.55	J2	12		B	B	010
13.	JUN 14	641PM	TO MIAMI	FL 305 691-1721	E	2	.35	J2	18		B	B	010
14.	JUN 14	754PM	TO MARIETTA	GA 404 973-0021	E	6	1.66	J2	24		B	J	010
15.	JUN 15	938AM	TO NORTH DADE	FL 305 624-8110	D	1	.23	J2	42		B	B	010
16.	JUN 15	1037AM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	18		B	B	010

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NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRM
1.	JUN 15	1038AM	TO MIAMI	FL 305 576-3503	D	1	.32	J2	18		B	B	010
2.	JUN 16	617PM	TO MIAMI	FL 305 874-2574	E	1	.20	J2	12		B	B	010
3.	JUN 16	618PM	TO MIAMI	FL 305 553-6735	E	13	2.00	J2	30		B	B	010
4.	JUN 18	721AM	TO LKBUNAVIST	FL 305 824-1000	N	8	1.32	J2	00		B	B	010
5.	JUN 18	927AM	TO COLUMBIA	SC 803 777-3082	N	1	.24	J2	24		B	J	010
6.	JUN 18	928AM	TO COLUMBIA	SC 803 777-3082	N	1	.24	J2	24		B	J	010
7.	JUN 18	1120AM	TO TALLAHASSE	FL 904 576-3121	N	1	.24	J2	18		B	J	010
8.	JUN 18	632PM	TO TALLAHASSE	FL 904 576-3121	N	2	.42	J2	30		B	B	010
9.	JUN 19	756AM	TO COLUMBIA	SC 803 799-5004	N	5	.93	J2	27		B	B	010
10.	JUN 19	818AM	TO DAYTON	OH 513 275-7502	N	4	.76	J2	42		B	J	010
11.	JUN 19	1126AM	TO MIAMI	FL 305 635-3845	N	4	.78	J2	24		B	J	010
12.	JUN 19	1139AM	TO PERRINE	FL 305 251-4538	N	6	.58	J2	36		B	B	010
13.	JUN 20	115PM	TO MIAMI	FL 305 553-6735	N	2	.25	J2	00		B	B	010
						3	.31	J2	30		B	B	010

NPA CO LINE CS EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 06 19 83

KEY *-RATE APPLIED:
D -DAY DS -DAY ATTCN

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DP -DAY PERSON E -EVENING
ES -EVENING STATION N -NITE/WKND
NS -NITE/WKND STATION

INTER 15.11 INTRA 84.87 TELE .00 TOT 102.03 IND-0
COIN ORIGINATED:INTER .00 INTRA 2.05

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NPA CO  LINE CST EXCH CL SV BILL DA  TY  BILL DOI  BO RAO DR BO MB | DEP   CIV   ATTY SELF OUT OF HR PR   MON 6256244 MILDRED GRAHM
305 733-1697 633 OKLD IFR   05 19 83     LIV 07-77 25 180    0    | 09-80 0381  OWN
                                                                   |MO  1/7  2/8  3/9  4/10 5/11 6/12|----------------------------
PCS                                                                |PB   BA   BB   WT CC PPD|IC   80   51   40   16   93   67|SE . . . . . .          22.60
LN   WILLIAMS, P G                                                 |0611  614  620        B+ |      16   10   52   33   41   34|DAC     6 NO CHG
LA   2401 NW 43RD TER, LDHL                                        |                          |LU    0    0    0    0    0    0|                5 AT .15          .75
                                                                   |CT  TRT HIST    RT    TL |   PAY & ADJ     |L B     145.11 |IC . . . . . .          77.12
---BILL                                                            |0 000000000000 00127     | DATE T  AMOUNT |PAY      -.00|CR|TAX|F        3.01
BN1  PATRICIA G WILLIAMS                                           |                         | 0426 A    65.83|BAL     77.28 |  CTY      2.34          5.35
BA2  2401 NW 43 TER                                                |NAB       RCK HIST PY PST|                |CCG    105.82 |CCG . . . . . .        105.82
PO   LAUDRHL FL      33313                                         | 0          000000  08 20 |                |TOT    183.10 |
TAR  024                                                           |----------------------------------------------------------------------------
SOD  3E +

---S&E
   | BSXUP/QN 1
   | IFR                                                  1300|ITEMIZED CALLS 305-733-1697     PAGE 0003     B733-1697-633
   | TTR                                                  105|NO.  DATE    TIME      PLACE          AREA-NUMBER   *  MIN  AMOUNT  M--TKT ID-- D B S RRMMT
   2 92HSX                                                   | 1. APR 21  285PM TO NORTH DADE FL 305 624-1940 D    1    .23    J2     18   B B 01021
   2 95RSX                                                   | 2. APR 21  286PM TO NORTH DADE FL 305 624-1940 D    3    .47    J2     06   B B 01021
   2 CXT                                                 375 | 3. APR 22  934AM TO WPALMBEACH FL 305 832-3600 D    1    .40    J2     12   B B 01021
   1 PRNST                                               105 | 4. APR 22  631PM TO FTLAUDERDL FL 305 739-7655
   1 CPERN/EN A0698J62191ALN-0.08                        NR  |      3RD NUMBER FR N DADE     FL 305 621-0941 ES   2    .92    J232   06   B B 01122
   1 DKMST     /DES (A)12-27-79                          NR  | 5. APR 22  700PM TO NORTH DADE FL 305 625-6244 E    1    .14    J2     54   B B 01021
   1 RJ31X                                               NR  | 6. APR 23  856AM TO NORTH DADE FL 305 948-8281 N    4    .23    J2     06   B B 01021
   1 TELST                                               375 | 7. APR 23  346PM FR N DADE     FL 305 621-8299 WS   1    .79    J231   36   B B 01124
RWS  5-5,KX,M,B,B,N                                      NR  | 8. APR 24 1052AM TO NORTH DADE FL 305 625-6244 N   10    .52    J2     18   B B 01021
                                                         240 | 9. APR 25  931AM TO MIAMI      FL 305 891-8611 D    1    .32    J2     42   B B 01021
     BILLED LOCAL SERVICE                                NR  |10. APR 25 1243PM TO KENSINGTON MD 301 468-6332 D    6   2.77    J2     36   B J 01021
                                                         240 |11. APR 26  941AM TO MIAMI      FL 305 879-8943 D    2    .55    J2     24   B B 01021
                                                             |12. APR 26 1018AM TO FORT MYERS  FL 813 338-2318 D    2    .88    J2     18   B B 01021
                                                             |13. APR 26 1038AM TO MIAMI       FL 305 380-9279 D    1    .32    J2     48   B B 01021
                                                             |14. APR 26  338PM TO MIAMI       FL 305 380-9279 D    1    .32    J2     36   B B 01021
                                                             |15. APR 27 1240PM TO MIAMI       FL 305 380-9279 D    1    .32    J2     12   B B 01021
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NPA CO  LINE CST EXCH CL SV BILL DA  TY                      |ITEMIZED CALLS 305-733-1697     PAGE 0004     B733-1697-633
305 733-1697 633 OKLD IFR   05 19 83                         |NO.  DATE    TIME      PLACE          AREA-NUMBER   *  MIN  AMOUNT  M--TKT ID-- D B S RRMMT
                                                             | 1. APR 27 1259PM TO NORTH DADE FL 305 621-0941 D    4    .59    J2     12   B B 01021
                                                             | 2. APR 27  103PM TO NORTH DADE FL 305 621-0941 D    2    .35    J2     42   B B 01021
                                                             | 3. APR 27  106PM TO NORTH DADE FL 305 621-8299 D    4    .59    J2     00   B B 01021
                                                             | 4. APR 27  307PM TO MIAMI       FL 305 380-8008 D    5   1.24    J2     48   B B 01021
                                                             | 5. APR 28  730AM TO NORTH DADE FL 305 621-1695 M    1    .09    J2     36   B B 01021
                                                             | 6. APR 29 1150AM TO MIAMI       FL 305 576-8943 D    1    .32    J2     12   B B 01021
                                                             | 7. APR 29 1151AM TO MIAMI       FL 305 879-8943 D    1    .32    J2     36   B B 01021
                                                             | 8. APR 29  606PM TO WPALMBEACH  FL 305 686-8654 E    7   1.50    J2     12   B B 01021
                                                             | 9. APR 30  743PM TO FTLAUDERDL  FL 305 484-4213
                                                             |      3RD NUMBER FR N DADE      FL 305 625-6244 WS   2    .84    J231   18   B B 01222
                                                             |10. MAY  2  930AM TO MIAMI       FL 305 688-3923 D    1    .32    J2     30   B A 01021
                                                             |11. MAY  2  931AM TO NORTH DADE  FL 305 621-0941 D    1    .23    J2     42   B B 01021
                                                             |12. MAY  2 1243PM TO MIAMI       FL 305 893-8926 D    7   1.70    J2     24   B B 01021
                                                             |13. MAY  4 1256PM TO MIAMI       FL 305 380-9279 D    4   1.01    J2     48   B B 01021
                                                             |14. MAY  5 1039AM TO MIAMI       FL 305 579-8121 D    1    .32    J2     48   B B 01021
                                                             |15. MAY  8  131PM TO MIAMI       FL 305 380-9279 D    1    .32    J2     18   B B 01021
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EXHIBIT
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NPA CO LINE CST EXCH CL SV BILL DA TY
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NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	MAY 6	1006PM	TO NORTH DADE	FL 305 621-3676	E	1	.14	J2	36		B	B	01021
2.	MAY 6	1007PM	TO NORTH DADE	FL 305 621-3676	E	1	.14	J2	36		B	B	01021
3.	MAY 7	138PM	TO NORTH DADE	FL 305 621-8299	N	1	.09	J2	36		B	B	01021
4.	MAY 7	625PM	TO FTLAUDERDL	FL 305 984-7899									
	3RD NUMBER FR N DADE			FL 305 625-9308	NS	1	.79	J232	18		B	B	01122
5.	MAY 7	644PM	TO NORTH DADE	FL 305 625-6244	N	2	.14	J2	00		B	B	01021
6.	MAY 7	700PM	FR MIAMI	FL 305 634-6229	NS	2	.92	JK34	06		B	B	01124
7.	MAY 8	1150AM	TO MIAMI	FL 305 634-6229	N	2	.22	J2	54		B	B	01021
8.	MAY 9	735AM	TO NORTH DADE	FL 305 621-8299	N	3	.18	J2	30		B	B	01021
9.	MAY 9	1052AM	TO WASHINGTON	DC 202 828-2000	D	2	1.05	J2	18		B	J	01021
10.	MAY 9	1127AM	TO MIAMI	FL 305 579-5819	D	1	.32	J2	54		B	B	01021
11.	MAY 9	1129AM	TO MIAMI	FL 305 579-5859	D	1	.32	J2	12		B	B	01021
12.	MAY 9	1129AM	TO MIAMI	FL 305 579-4687	D	2	.55	J2	24		B	B	01021
13.	MAY 9	1131AM	TO MIAMI	FL 305 547-4982	D	1	.32	J2	18		B	B	01021
14.	MAY 9	238PM	TO MIAMI	FL 305 821-7591	D	2	.55	J2	06		B	B	01021
15.	MAY 9	240PM	TO NORTH DADE	FL 305 624-1440	D	2	.35	J2	36		B	B	01021

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NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	MAY 9	308PM	TO MIAMI	FL 305 350-9279	D	1	.32	J2	12		B	B	01021
2.	MAY 9	322PM	TO MIAMI	FL 305 445-5320	D	4	1.01	J2	54		B	B	01021
3.	MAY 9	327PM	TO MIAMI	FL 305 284-2253	D	5	1.24	J2	06		B	B	01021
4.	MAY 9	332PM	TO MIAMI	FL 305 576-1500	D	1	.32	J2	42		B	B	01021
5.	MAY 11	208PM	TO MIAMI	FL 305 350-9279	D	1	.32	J2	12		B	B	01021
6.	MAY 11	223PM	TO MIAMI	FL 305 821-7591	D	1	.32	J2	36		B	B	01021
7.	MAY 11	306PM	TO TAMPA	FL 813 248-1931	D	1	.57	J2	30		B	B	01021
8.	MAY 11	324PM	TO MIAMI	FL 305 446-2200	D	1	.32	J2	54		B	B	01021
9.	MAY 11	325PM	TO MIAMI	FL 305 446-2200	D	1	.32	J2	36		B	B	01021
10.	MAY 11	341PM	FR TAMPA	FL 813 248-1932	DP	7	4.61	JM	42		I	B	01124
11.	MAY 11	429PM	TO MIAMI	FL 305 350-9279	D	1	.32	J2	12		B	B	01021
12.	MAY 11	442PM	TO NORTH DADE	FL 305 621-0441	D	4	.59	J2	42		B	B	01021
13.	MAY 11	446PM	TO NORTH DADE	FL 305 940-8000	D	3	.47	J2	54		B	B	01021
14.	MAY 11	450PM	TO MIAMI	FL 305 667-8281	D	1	.32	J2	24		B	B	01021
15.	MAY 11	450PM	TO MIAMI	FL 305 634-3319	D	1	.32	J2	54		B	B	01021
16.	MAY 11	455PM	TO NORTH DADE	FL 305 624-9236	DM	11	1.17	J2	30		B	B	01021

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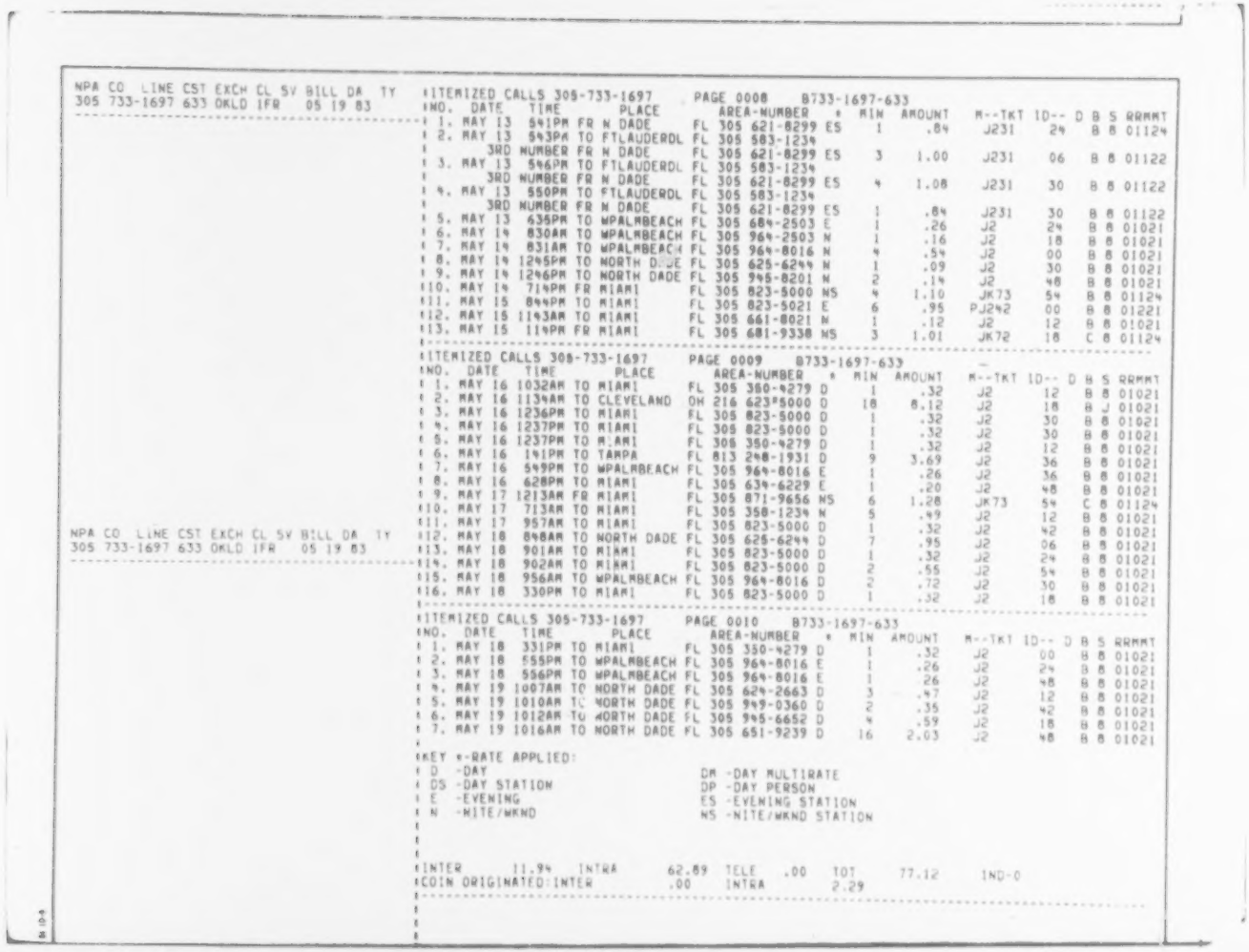
NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	MAY 12	1255PM	TO MIAMI	FL 305 350-9279	D	3	.78	J2	18		B	B	01021
2.	MAY 12	114PM	TO MIAMI	FL 305 350-9279	D	1	.32	J2	48		B	B	01021
3.	MAY 12	530PM	TO NORTH DADE	FL 305 620-7361	E	2	.22	J2	06		B	B	01021
4.	MAY 13	1251PM	TO FTLAUDERDL	FL 305 765-4736									
	3RD NUMBER FR MIAMI			FL 305 858-3501	DS	1	1.02	JK33	48		B	B	01122
5.	MAY 13	323PM	TO FTLAUDERDL	FL 305 583-1234									
	3RD NUMBER FR N DADE			FL 305 621-0441	DS	9	1.89	J231	42		B	B	01122
6.	MAY 13	340PM	TO FTLAUDERDL	FL 305 764-0033									
	3RD NUMBER FR N DADE			FL 305 621-8299	DS	1	.93	J231	18		B	B	01122
7.	MAY 13	342PM	TO FTLAUDERDL	FL 305 583-1234									
	3RD NUMBER FR N DADE			FL 305 621-8299	DS	6	1.53	J231	12		B	B	01122
8.	MAY 13	351PM	TO FTLAUDERDL	FL 305 765-4736									
	3RD NUMBER FR N DADE			FL 305 621-0441	DS	1	.93	J232	42		B	B	01122
9.	MAY 13	401PM	TO NORTH DADE	FL 305 621-0441	D	2	.35	J2	00		B	B	01021
10.	MAY 13	413PM	TO NORTH DADE	FL 305 621-3676	D	2	.35	J2	24		B	B	01021
11.	MAY 13	421PM	TO NORTH DADE	FL 305 621-0441	D	2	.35	J2	06		B	B	01021



NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 05 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0008 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	MAY 13	941PM	FR N DADE	FL 305 621-8299	ES	1	.84	J231	24		B	B	01124
2.	MAY 13	943PM	TO FTLAUDERDL	FL 305 583-1234									
	3RD NUMBER		FR N DADE	FL 305 621-8299	ES	3	1.00	J231	06		B	B	01122
3.	MAY 13	946PM	TO FTLAUDERDL	FL 305 583-1234									
	3RD NUMBER		FR N DADE	FL 305 621-8299	ES	4	1.08	J231	30		B	B	01122
4.	MAY 13	950PM	TO FTLAUDERDL	FL 305 583-1234									
	3RD NUMBER		FR N DADE	FL 305 621-8299	ES	1	.84	J231	30		B	B	01122
5.	MAY 13	635PM	TO WPALMBEACH	FL 305 684-2503	E	1	.26	J2	24		B	B	01021
6.	MAY 14	830AM	TO WPALMBEACH	FL 305 964-2503	N	1	.16	J2	18		B	B	01021
7.	MAY 14	831AM	TO WPALMBEACH	FL 305 964-8016	N	4	.54	J2	00		B	B	01021
8.	MAY 14	1245PM	TO NORTH DADE	FL 305 625-6244	N	1	.09	J2	30		B	B	01021
9.	MAY 14	1246PM	TO NORTH DADE	FL 305 945-8201	N	2	.14	J2	48		B	B	01021
10.	MAY 14	714PM	FR MIAMI	FL 305 823-5000	NS	4	1.10	JK73	54		B	B	01124
11.	MAY 15	844PM	TO MIAMI	FL 305 823-5021	E	6	.95	PJ242	00		B	B	01221
12.	MAY 15	1143AM	TO MIAMI	FL 305 661-8021	N	1	.12	J2	12		B	B	01021
13.	MAY 15	119PM	FR MIAMI	FL 305 681-9338	NS	3	1.01	JK72	18		C	B	01124

ITEMIZED CALLS 305-733-1697 PAGE 0009 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	MAY 16	1032AM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	12		B	B	01021
2.	MAY 16	1134AM	TO CLEVELAND	OH 216 623-5000	D	18	6.12	J2	18		B	J	01021
3.	MAY 16	1236PM	TO MIAMI	FL 305 823-5000	D	1	.32	J2	30		B	B	01021
4.	MAY 16	1237PM	TO MIAMI	FL 305 823-5000	D	1	.32	J2	30		B	B	01021
5.	MAY 16	1237PM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	12		B	B	01021
6.	MAY 16	141PM	TO TAMPA	FL 813 248-1931	D	9	3.69	J2	36		B	B	01021
7.	MAY 16	549PM	TO WPALMBEACH	FL 305 964-8016	E	1	.26	J2	36		B	B	01021
8.	MAY 16	628PM	TO MIAMI	FL 305 634-6229	E	1	.20	J2	48		B	B	01021
9.	MAY 17	1213AM	FR MIAMI	FL 305 871-9656	NS	6	1.28	JK73	54		C	B	01124
10.	MAY 17	713AM	TO MIAMI	FL 305 358-1234	N	5	.49	J2	12		B	B	01021
11.	MAY 17	957AM	TO MIAMI	FL 305 823-5000	D	1	.32	J2	42		B	B	01021
12.	MAY 18	848AM	TO NORTH DADE	FL 305 625-6244	D	7	.95	J2	06		B	B	01021
13.	MAY 18	901AM	TO MIAMI	FL 305 823-5000	D	1	.32	J2	24		B	B	01021
14.	MAY 18	902AM	TO MIAMI	FL 305 823-5000	D	2	.55	J2	54		B	B	01021
15.	MAY 18	956AM	TO WPALMBEACH	FL 305 964-8016	D	2	.72	J2	30		B	B	01021
16.	MAY 18	330PM	TO MIAMI	FL 305 823-5000	D	1	.32	J2	18		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 05 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0010 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	MAY 18	331PM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	00		B	B	01021
2.	MAY 18	555PM	TO WPALMBEACH	FL 305 964-8016	E	1	.26	J2	24		B	B	01021
3.	MAY 18	556PM	TO WPALMBEACH	FL 305 964-8016	E	1	.26	J2	48		B	B	01021
4.	MAY 19	1007AM	TO NORTH DADE	FL 305 624-2663	D	3	.47	J2	12		B	B	01021
5.	MAY 19	1010AM	TO NORTH DADE	FL 305 949-0360	D	2	.35	J2	42		B	B	01021
6.	MAY 19	1012AM	TO NORTH DADE	FL 305 945-6652	D	4	.59	J2	18		B	B	01021
7.	MAY 19	1016AM	TO NORTH DADE	FL 305 651-9239	D	16	2.03	J2	48		B	B	01021

KEY *-RATE APPLIED:

D	-DAY	DM	-DAY MULTIRATE
DS	-DAY STATION	DP	-DAY PERSON
E	-EVENING	ES	-EVENING STATION
N	-NITE/WKND	NS	-NITE/WKND STATION

INTER 11.94 INTRA 62.89 TELE .00 TOT 77.12 IND-0
COIN ORIGINATED:INTER .00 INTRA 2.29

BILLED LOCAL SERVICE 1620

INTER .60 INTRA .00 TELE .00 TOT .60 IND-0

NPA CO LINE CST EXCH CL SV BILL DA TY BILL DOI BO RAO DR BD HB | DEP CIV ATTY SELF OUT OF HM PR MOM 6256244 MILDRED GRAHM
305 733-1697 633 OKLD 1FR 04 19 83 LIV 07-77 25 180 0 | 04-80 0381 OWN
IMO 1/7 2/8 3/9 4/10 5/11 6/12

PCS
LN WILLIAMS, P G
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRHL FL 33313
TAR 024
SOD 3E

---S&E
1 BSXUP/QN 1
1 1FR
1 TTR
2 92HSX
2 9SRSX
2 EXT
1 PRNST
1 CPERN/EN AD698J62191AL4-0.08
1 DKMST /DES (A)12-27-79
1 RJ31X
1 TELST
MWS 5-5,KE,M,B,B,N

PB	RA	RB	NT	CC	PPD	IC	51	40	16	93	67	16	SE	22.60
0512	513	518		B+			10	52	33	41	34	36	IC	50.23
						LU	0	0	0				TAX:F	2.19
CT	TRT	MIST		RT	TL	PAY & ADJ						IL B	65.83	CTY	2.26	4.45
0	000000000000	00098				DATE T	AMOUNT					BAL	65.83	CCG	77.28
												CCG	77.28		
NAB		RCK MIST	PT	PST								TOT	143.11		
0		000000	B4	21											

ITEMIZED CALLS 305-733-1697 PAGE 0003 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	◦	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	MAR 20	744PM FR	TAMPA FL	813 877-9849	ESM	2	1.32	JM	18		1	8	01124
2.	MAR 21	641PM FR	MIAMI FL	305 691-9905	ES	1	.90	JK72	18		C	8	01124
3.	MAR 21	750PM FR	MIAMI FL	305 691-9905	ES	1	.90	JK73	18		C	8	01124
4.	MAR 22	502PM TO	MIAMI FL	305 822-5420	E	1	.20	J2	48		B	8	01021
5.	MAR 22	551PM TO	MIAMI FL	305 751-6940	E	1	.20	J2	12		B	8	01021
6.	MAR 22	723PM FR	MIAMI FL	305 691-9991	ES	2	1.05	JK77	24		C	8	01124
7.	MAR 23	719PM TO	BOCA RATON FL	305 997-7657	E	1	.17	J2	36		B	8	01021
8.	MAR 25	1206PM TO	MIAMI FL	305 350-4279	D	1	.32	J2	18		B	8	01021
9.	MAR 26	707AM TO	NORTH DADE FL	305 945-8201	N	1	.09	J2	30		B	8	01021
10.	MAR 26	816AM TO	MIAMI FL	305 822-5209	N	3	.31	J2	24		B	8	01021
11.	MAR 27	1221PM TO	NORTH DADE FL	305 625-6244	N	3	.18	J2	30		B	8	01021
12.	MAR 28	1007PM FR	MIAMI FL	305 326-7429	EP	4	2.35	JK73	30		B	8	0122+
13.	MAR 28	432PM TO	WPALMBEACH FL	305 588-8331	D	1	.40	J2	30		B	8	01021
14.	MAR 28	433PM TO	BOYNTONBCH FL	305 732-1020	D	5	1.24	J2	18		B	8	01021
15.	MAR 29	711PM TO	NORTH DADE FL	305 625-6402	E	3	.30	J2	12		B	8	01021
16.	MAR 30	1058AM TO	MIAMI FL	305 350-4279	D	2	.55	J2	12		B	8	01021

BILLED LOCAL SERVICE 2260

EXHIBIT 221 HOUSE

	BILLED LOCAL SERVICE	2260	15. MAR 29 711PM TO NORTH DADE	FL	305	625-6402	E	3	.30	J2	12	B	B	01021
			16. MAR 30 1058AM TO MIAMI	FL	305	350-4279	D	2	.55	J2	12	B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 04 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0004 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	MAR 30	541PM	TO NORTH DADE	FL 305 625-7823	E	2	.22	J2	48		B	B	01021
2.	MAR 31	812AM	TO NORTH DADE	FL 305 621-7540	D	4	.59	J2	42		B	B	01021
3.	MAR 31	342PM	TO PERRINE	FL 305 255-1696	D	3	.92	J2	36		B	B	01021
4.	MAR 31	712PM	TO NORTH DADE	FL 305 621-2360	E	D4	1.94	J2	48		B	B	01021
5.	MAR 31	804PM	TO MIAMI	FL 305 661-8021	E	6	.95	J2	00		B	B	01021
6.	APR 1	845AM	TO COLUMBIA	SC 803 799-5004	D	23	10.08	J2	18		B	J	01021
7.	APR 1	913AM	TO MIAMI	FL 305 751-5940	D	28	8.53	J2	42		B	B	01021
8.	APR 1	1105AM	TO NORTH DADE	FL 305 945-8201	D	7	.95	J2	12		B	B	01021
9.	APR 1	1114AM	TO NORTH DADE	FL 305 621-3676	D	2	.35	J2	48		B	B	01021
10.	APR 2	659AM	TO MIAMI	FL 305 685-6748	N	1	.12	J2	18		B	B	01021
11.	APR 3	1238PM	TO NORTH DADE	FL 305 625-6244	N	13	.66	J2	12		B	B	01021
12.	APR 5	907AM	TO MIAMI	FL 305 325-7429	D	1	.32	J2	30		B	B	01021
13.	APR 5	909AM	TO MIAMI	FL 305 325-7429	D	11	2.62	J2	00		B	B	01021
14.	APR 5	549PM	TO BOCA RATON	FL 305 997-8855	E	1	.17	J2	18		B	B	01021
15.	APR 6	100?AM	TO MIAMI	FL 305 385-0908	D	1	.32	J2	30		B	B	01021
16.	APR 6	1008AM	TO MIAMI	FL 305 374-8500	D	1	.32	J2	00		B	B	01021

ITEMIZED CALLS 305-733-1697 PAGE 0005 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	APR 6	1042AM	TO MIAMI	FL 305 667-8281	D	16	3.77	J2	42		B	B	01021
2.	APR 6	1157AM	TO BOCA RATON	FL 305 368-7053	D	1	.27	J2	42		B	B	01021
3.	APR 6	419PM	TO NORTH DADE	FL 305 652-0319	D	1	.23	J2	48		B	B	01021
4.	APR 7	1002PM	TO MIAMI	FL 305 665-7162	E	7	1.10	J2	00		B	B	01021
5.	APR 7	1033PM	TO MIAMI	FL 305 681-1029	E	1	.20	J2	36		B	B	01021
6.	APR 13	853AM	TO NORTH DADE	FL 305 621-7485	D	8	.71	J2	00		B	B	01021
7.	APR 13	1222PM	TO FTLAUDERDL	FL 305 472-1023									
		3RD NUMBER FR M DADE		FL 305 621-0441	DS	5	1.41	J231	12		B	B	01122
8.	APR 15	1112AM	TO MIAMI	FL 305 681-1029	D	1	.32	J2	24		B	B	01021
9.	APR 15	1153AM	TO NORTH DADE	FL 305 621-0441	D	1	.23	J2	30		B	B	01021
10.	APR 15	939PM	TO MIAMI	FL 305 661-8021	E	3	.50	J2	18		B	B	01021
11.	APR 15	945PM	TO PERRINE	FL 305 253-8542	E	1	.23	J2	30		B	B	01021
12.	APR 16	1244PM	TO MIAMI	FL 305 751-5940	N	3	.31	J2	54		B	B	01021
13.	APR 17	901AM	TO MIAMI	FL 305 751-5940	N	[redacted]	.12	J2	24		B	B	01021
14.	APR 18	920AM	TO MIAMI	FL 305 350-4279	D	[redacted]	.78	J2	06		B	B	01021
15.	APR 19	943AM	TO MIAMI	FL 305 350-4289	D	[redacted]	.32	J2	48		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 04 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0006 B733-[redacted]633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	[redacted]N	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	APR 19	1109AM	TO NORTH DADE	FL 305 946-8000	D	1	.23	J2	54		B	B	01021
2.	APR 19	1128AM	TO NORTH DADE	FL 305 628-8161	D	4	.59	J2	18		B	B	01021
3.	APR 19	817PM	TO MIAMI	FL 305 685-6748	E	3	.80	J2	12		B	B	01021
4.	APR 20	826AM	TO MIAMI	FL 305 350-5088	D	2	.55	J2	30		B	B	01021
5.	APR 20	928AM	TO MIAMI	FL 305 579-5943	D	1	.32	J2	42		B	B	01021

KEY *-RATE APPLIED:
D -DAY
E -EVENING
EP -EVENING PERSON
N -NITE/WKND
DS -DAY STATION
ES -EVENING STATION
ESM-EVENING STATION MULTIRATE

INTER 10.08 INTRA 37.30 TELE .00 TOT 50.23 IND-0
COIN ORIGINATED:INTER .00 INTRA 2.85

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OHLD IFR 03 19 83

PCS
LN WILLIAMS, P S
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA S WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRHL FL 33313
TAR 024
SOD 3E

---S&E
! 85XUP/QN !
! IFR
! TTR
2 92WSX
2 95RSX
2 EXT
! PRNST
! CPERN/EN AQ698J62191ALN-0.0B
! DAMST /DES (A)12-27-79
! RJ31X
! TELST
PWS 5-5,*%,*,%,%,%

ORDER ACTIVITY SINCE LAST RECORD
ORDER NUMBER COMPLETED SERIAL N
SPL RATE CONV 01-21-83 SPL RATE

BILL DOI BO RAO DR SO HB
LIV 07-77 25 180 0

PB RA RB NT CC PPD
0413 513 B+

CT TRT HIST RT TL
0 000000000000 00000

NAB RCK HIST PY PST
0 000000 03 22

SEP CIV ATTY SELF OUT OF HR PR
04-80 0381 OWN

MC 1/7 2/8 3/9 4/10 5/11 6/12
LC 40 16 93 67 16 10
52 33 41 34 36 26
LU 0 0 0

PAY & ADJ
0316 A $3.61

DATE T AMOUNT
0316 A $3.61

MOM 6256244 MILDRED GRAHM

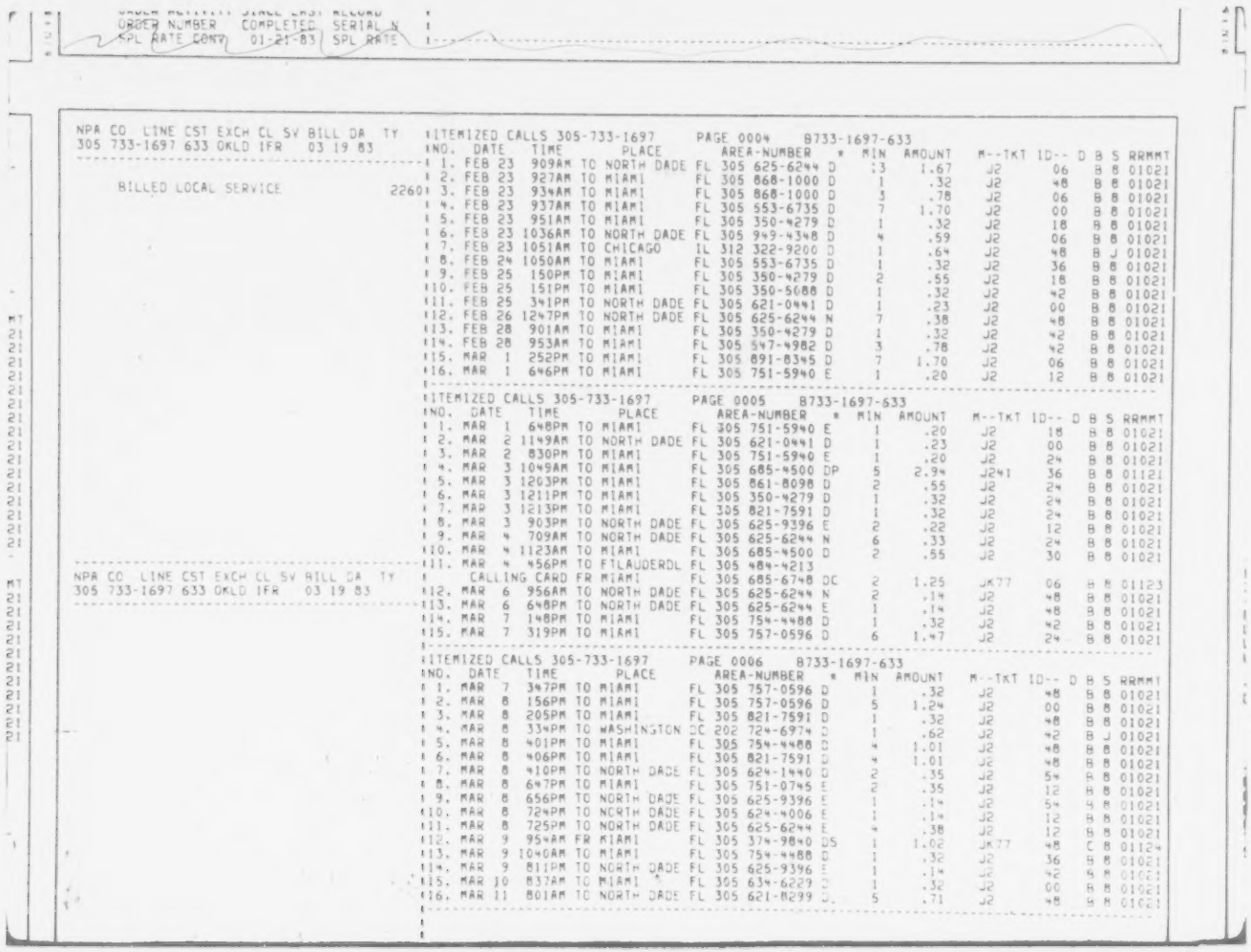
SE 22.60
DAC 6 NO CHG
% AT .15 .60
IC 38.46
CR TAX:F 1.85
CTY 2.32 4.17
CCG 65.83
BAL .00
CCG 65.83
TOT 65.83

BILL MESSAGE 305-733-1697 PAGE 0002
*** IMPORTANT MESSAGE FOR CALLING CARD HOLDERS ***

THE 1983 BELL SYSTEM CALLING CARD IS MORE CONVENIENT THAN EVER.
1300 IF YOU HAVE NOT RECEIVED YOUR NEW 1983 CARD, PLEASE CONTACT YOUR
105 LOCAL BUSINESS OFFICE. FOR YOUR PROTECTION, OUR BUSINESS OFFICE
NR PERSONNEL DO NOT HAVE READY ACCESS TO CALLING CARD NUMBERS.
NR TO AVOID INCONVENIENCE OR DELAYS IN PLACING CALLS, PLEASE HAVE
NR YOUR CARD NUMBER AVAILABLE WHEN TRAVELING. IF YOU SHOULD
375 ENCOUNTER DIFFICULTY IN USING THE NEW CARD, PLEASE CONTACT YOUR
NR BUSINESS OFFICE.
2401
NR
2401

EXHIBIT
221K
HOUSE

1875



ORDER ACTIVITY SINCE LAST RECORD
ORDER NUMBER COMPLETED SERIAL N
SPL RATE CONT 01-21-83 SPL RATE

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 03 19 83

BILLED LOCAL SERVICE 2260

ITEMIZED CALLS 305-733-1697 PAGE 0004 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	FEB 23	909AM	TO NORTH DADE	FL 305 625-6244	D	13	1.67	J2	06		B	B	01021
2.	FEB 23	927AM	TO MIAMI	FL 305 868-1000	D	1	.32	J2	48		B	B	01021
3.	FEB 23	934AM	TO MIAMI	FL 305 868-1000	D	3	.78	J2	06		B	B	01021
4.	FEB 23	937AM	TO MIAMI	FL 305 553-6735	D	7	1.70	J2	00		B	B	01021
5.	FEB 23	951AM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	18		B	B	01021
6.	FEB 23	1036AM	TO NORTH DADE	FL 305 949-4348	D	4	.59	J2	06		B	B	01021
7.	FEB 23	1051AM	TO CHICAGO	IL 312 322-9200	D	1	.64	J2	48		B	J	01021
8.	FEB 24	1050AM	TO MIAMI	FL 305 553-6735	D	1	.32	J2	36		B	B	01021
9.	FEB 25	150PM	TO MIAMI	FL 305 350-4279	D	2	.55	J2	18		B	B	01021
10.	FEB 25	151PM	TO MIAMI	FL 305 350-5088	D	1	.32	J2	42		B	B	01021
11.	FEB 25	341PM	TO NORTH DADE	FL 305 621-0441	D	1	.23	J2	00		B	B	01021
12.	FEB 26	1247PM	TO NORTH DADE	FL 305 625-6244	N	7	.38	J2	48		B	B	01021
13.	FEB 28	901AM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	42		B	B	01021
14.	FEB 28	953AM	TO MIAMI	FL 305 547-4982	D	3	.78	J2	42		B	B	01021
15.	MAR 1	252PM	TO MIAMI	FL 305 891-8345	D	7	1.70	J2	06		B	B	01021
16.	MAR 1	646PM	TO MIAMI	FL 305 751-5940	E	1	.20	J2	12		B	B	01021

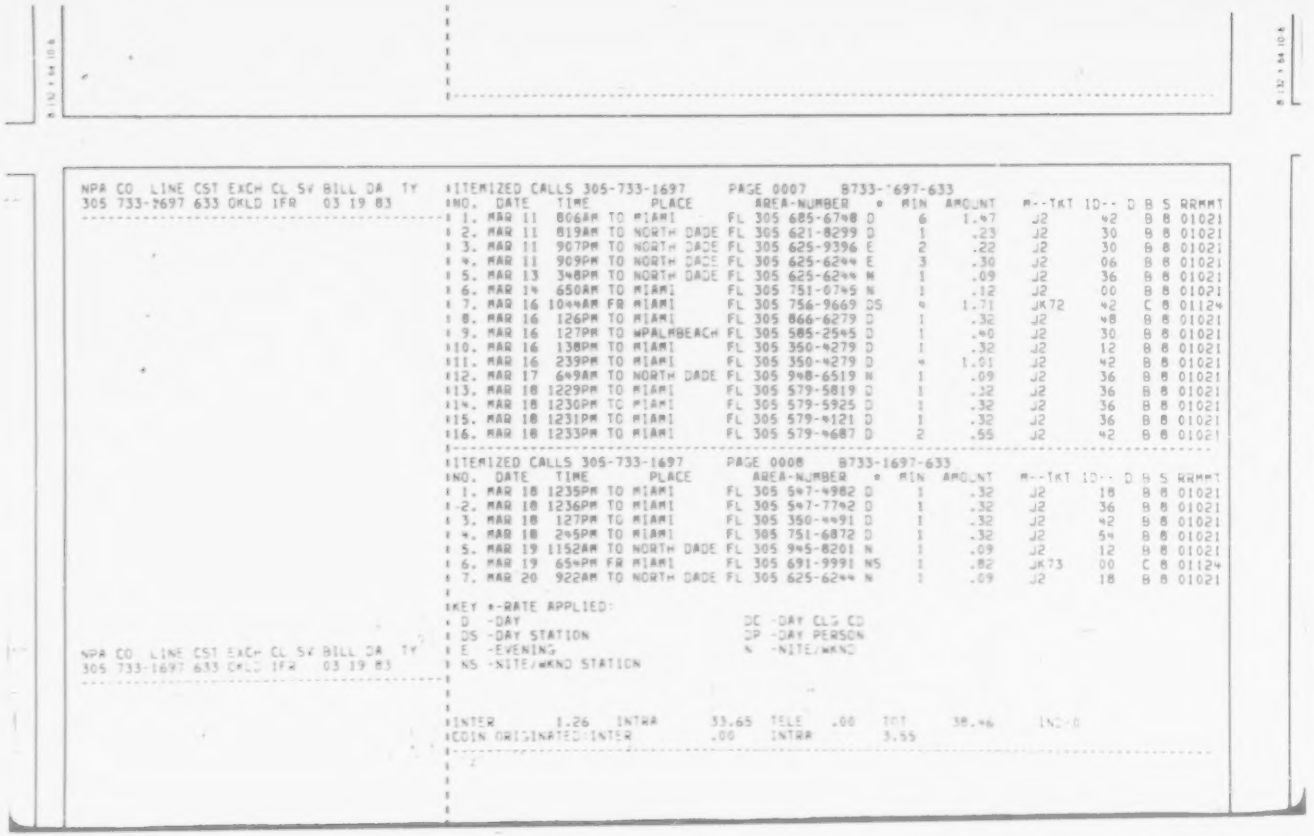
ITEMIZED CALLS 305-733-1697 PAGE 0005 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	MAR 1	648PM	TO MIAMI	FL 305 751-5940	E	1	.20	J2	18		B	B	01021
2.	MAR 2	1149AM	TO NORTH DADE	FL 305 621-0441	D	1	.23	J2	00		B	B	01021
3.	MAR 2	830PM	TO MIAMI	FL 305 751-5940	E	1	.20	J2	24		B	B	01021
4.	MAR 3	1049AM	TO MIAMI	FL 305 685-4500	DP	5	2.94	J241	36		B	B	01121
5.	MAR 3	1203PM	TO MIAMI	FL 305 861-8098	D	2	.55	J2	24		B	B	01021
6.	MAR 3	1211PM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	24		B	B	01021
7.	MAR 3	1213PM	TO MIAMI	FL 305 821-7591	D	1	.32	J2	24		B	B	01021
8.	MAR 3	903PM	TO NORTH DADE	FL 305 625-9396	E	2	.22	J2	12		B	B	01021
9.	MAR 4	709AM	TO NORTH DADE	FL 305 625-6244	N	6	.33	J2	24		B	B	01021
10.	MAR 4	1123AM	TO MIAMI	FL 305 685-4500	D	2	.55	J2	30		B	B	01021
11.	MAR 4	456PM	TO FTLAUDERDL	FL 305 484-4213									
		CALLING CARD FR MIAMI		FL 305 685-6748	DC	2	1.25	JK77	06		B	B	01123
12.	MAR 6	956AM	TO NORTH DADE	FL 305 625-6244	N	2	.14	J2	48		B	B	01021
13.	MAR 6	648PM	TO NORTH DADE	FL 305 625-6244	E	1	.14	J2	48		B	B	01021
14.	MAR 7	148PM	TO MIAMI	FL 305 754-4488	D	1	.32	J2	42		B	B	01021
15.	MAR 7	319PM	TO MIAMI	FL 305 757-0596	D	6	1.47	J2	24		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 03 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0006 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	MAR 7	347PM	TO MIAMI	FL 305 757-0596	D	1	.32	J2	48		B	B	01021
2.	MAR 8	156PM	TO MIAMI	FL 305 757-0596	D	5	1.24	J2	00		B	B	01021
3.	MAR 8	205PM	TO MIAMI	FL 305 821-7591	D	1	.32	J2	48		B	B	01021
4.	MAR 8	334PM	TO WASHINGTON	DC 202 724-6974	D	1	.62	J2	42		B	J	01021
5.	MAR 8	401PM	TO MIAMI	FL 305 754-4488	D	4	1.01	J2	48		B	B	01021
6.	MAR 8	406PM	TO MIAMI	FL 305 821-7591	D	4	1.01	J2	48		B	B	01021
7.	MAR 8	410PM	TO NORTH DADE	FL 305 624-1440	D	2	.35	J2	54		B	B	01021
8.	MAR 8	647PM	TO MIAMI	FL 305 751-0745	E	2	.35	J2	12		B	B	01021
9.	MAR 8	656PM	TO NORTH DADE	FL 305 625-9396	E	1	.14	J2	54		B	B	01021
10.	MAR 8	724PM	TO NORTH DADE	FL 305 624-4006	E	1	.14	J2	12		B	B	01021
11.	MAR 8	725PM	TO NORTH DADE	FL 305 625-6244	E	4	.38	J2	12		B	B	01021
12.	MAR 9	954AM	FR MIAMI	FL 305 374-9840	DS	1	1.02	JK77	48		C	B	01124
13.	MAR 9	1040AM	TO MIAMI	FL 305 754-4488	D	1	.32	J2	36		B	B	01021
14.	MAR 9	811PM	TO NORTH DADE	FL 305 625-9396	E	1	.14	J2	42		B	B	01021
15.	MAR 10	837AM	TO MIAMI	FL 305 634-6229	D	1	.32	J2	00		B	B	01021
16.	MAR 11	801AM	TO NORTH DADE	FL 305 621-8299	D	5	.71	J2	48		B	B	01021



NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-2697 633 OKLD IFR 03 19 83

*ITEMIZED CALLS 305-733-1697 PAGE 0007 B733-1697-633

*NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
* 1.	MAR 11	806AM	TO MIAMI	FL 305 685-6708	D	6	1.47	J2	42		B	B	01021
* 2.	MAR 11	819AM	TO NORTH DADE	FL 305 621-8299	D	1	.23	J2	30		B	B	01021
* 3.	MAR 11	907PM	TO NORTH DADE	FL 305 625-9396	E	2	.22	J2	30		B	B	01021
* 4.	MAR 11	909PM	TO NORTH DADE	FL 305 625-6244	E	3	.30	J2	06		B	B	01021
* 5.	MAR 13	348PM	TO NORTH DADE	FL 305 625-6244	N	1	.09	J2	36		B	B	01021
* 6.	MAR 14	650AM	TO MIAMI	FL 305 751-0745	N	1	.12	J2	00		B	B	01021
* 7.	MAR 16	1044AM	FR MIAMI	FL 305 756-9669	DS	4	1.71	JK72	42		C	B	01124
* 8.	MAR 16	126PM	TO MIAMI	FL 305 866-6279	D	1	.32	J2	48		B	B	01021
* 9.	MAR 16	127PM	TO WPALMBEACH	FL 305 585-2545	D	1	.40	J2	30		B	B	01021
*10.	MAR 16	138PM	TO MIAMI	FL 305 350-4279	D	1	.32	J2	12		B	B	01021
*11.	MAR 16	239PM	TO MIAMI	FL 305 350-4279	D	4	1.01	J2	42		B	B	01021
*12.	MAR 17	649AM	TO NORTH DADE	FL 305 948-6519	N	1	.09	J2	36		B	B	01021
*13.	MAR 18	1229PM	TO MIAMI	FL 305 579-5819	D	1	.32	J2	36		B	B	01021
*14.	MAR 18	1230PM	TO MIAMI	FL 305 579-5925	D	1	.32	J2	36		B	B	01021
*15.	MAR 18	1231PM	TO MIAMI	FL 305 579-4121	D	1	.32	J2	36		B	B	01021
*16.	MAR 18	1233PM	TO MIAMI	FL 305 579-4687	D	2	.55	J2	42		B	B	01021

*ITEMIZED CALLS 305-733-1697 PAGE 0008 B733-1697-633

*NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
* 1.	MAR 18	1235PM	TO MIAMI	FL 305 547-4982	D	1	.32	J2	18		B	B	01021
* 2.	MAR 18	1236PM	TO MIAMI	FL 305 547-7742	D	1	.32	J2	36		B	B	01021
* 3.	MAR 18	127PM	TO MIAMI	FL 305 350-4491	D	1	.32	J2	42		B	B	01021
* 4.	MAR 18	245PM	TO MIAMI	FL 305 751-6872	D	1	.32	J2	54		B	B	01021
* 5.	MAR 19	1152AM	TO NORTH DADE	FL 305 945-8201	N	1	.09	J2	12		B	B	01021
* 6.	MAR 19	654PM	FR MIAMI	FL 305 691-9991	NS	1	.82	JK73	00		C	B	01124
* 7.	MAR 20	922AM	TO NORTH DADE	FL 305 625-6244	N	1	.09	J2	18		B	B	01021

*KEY *-RATE APPLIED:
* D -DAY DC -DAY CLG CD
* DS -DAY STATION DP -DAY PERSON
* E -EVENING N -NITE/WKND
* NS -NITE/WKND STATION

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 03 19 83

*INTER 1.26 INTRA 33.65 TELE .00 TOT 38.46 IND:0
*COIN ORIGINATED:INTER .00 INTRA 3.55

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NPA CO  LINE CST EXCH CL SV BILL DA  TY  BILL DOI  BO RAO DR BD HB : DEP   CIV   ATTY SELF OUT OF HR PR   MOM 6256244 MILDRED GRAHM
305 733-1697 633 OKLD 1FR   02 19 83     LIV 07-77 25 180    0     : 04-80 0381  OWN
-------------------------------------------------------------------:MO  1/7  2/8  3/9 4/10 5/11 6/12:-------------------------------
PCS                                                                :PB   RA   RB  NT CC PPD:IC   16   93   67   16   10   52:SE . . . . . .      22.60
LN   WILLIAMS, P G                                                 :0316       414      B#  :      33   41   34   36   26   34:DCC . . . . . .      1.20
LA   2401 NW 43RD TER, LDHL                                        :                        :LU    0    0    0-------------:DAC      6 NO CHG
                                                                   :CT  TRT HIST    RT   TL :    PAY & ADJ          :L B     117.89 :         1 AT .15       .15
---BILL                                                            :0 000000000000 00000    : DATE T  AMOUNT :PAY     117.89CR:IC . . . . . .      16.06
BN1  PATRICIA G WILLIAMS                                           :                        : 0202 A   117.89:BAL       .00  :TAX:F     1.20
BA2  2401 NW 43 TER                                                :NAB       RCK HIST PY PST:                 :CCG     43.61 :   CTY     2.40       3.60
PO   LAUDRHL FL      33313                                        : 0         000000  02 21 :                 :TOT     43.61 :CCG . . . . . .      43.61
TAR  024                                                           :-------------------------------------------------------------------------------
SOD  3E                                                            :OC&C 305-733-1697                 PAGE 0003
                                                                   :ITEM                                        PER MONTH      AMOUNT
---S&E                                                             :
BSXUP/QN 1                                                         :JAN 26 83
   1 IFR                                                        1300: 1. CHARGE DUE TO INCREASE IN RATES
   1 TTR                                                         105:     FROM JAN 26 83 THRU FEB 18 83 . . . . . 1.50        1.20
   2 92HSX                                                       NR:
   2 99RSX                                                       NR:
   2 EXT                                                         NR:
   1 PRMST                                                      375:
   1 CPERM/EN AD698J6<191ALN-0.0B                                NR:                                                  TOTAL      1.20
   1 DKMST     /DES (A)12-27-79                                 240:-------------------------------------------------------------------------------
   1 RJ31X                                                       NR:ITEMIZED CALLS 305-733-1697     PAGE 0004    B733-1697-633
   1 TELST                                                      240:NO.  DATE   TIME      PLACE       AREA-NUMBER   *  MIN  AMOUNT   M--TKT ID-- D B S RRMMT
MWS  5-5,KX,M,B,B,N                                              : 1. JAN 22  121PM TO NORTH DADE FL 305 625-6244 N    4    .23     J2      12   B B 01021
                                                                 : 2. JAN 22  715PM TO NORTH DADE FL 305 625-6244 N    1    .09     J2      24   B B 01021
                                                                 : 3. FEB  7 1225PM TO MIAMI      FL 305 350-4279 D    1    .32     J2      18   B B 01021
     ORDER ACTIVITY SINCE LAST RECORD                            : 4. FEB  7  853PM FR MIAMI      FL 305 691-9991 ES   2   1.05     JK73    48   C B 01124
     ORDER NUMBER   COMPLETED  SERIAL N                         : 5. FEB  8 1000AM TO MIAMI      FL 305 371-2000 D    1    .32     J2      42   B B 01021
     SPL RATE CONV   01-21-83  SPL RATE                        : 6. FEB  8  715PM TO NWSMYRNBCH FL 904 427-3219 E    9   2.52     J2      36   B B 01021
NPA CO  LINE CST EXCH CL SV BILL DA  TY                          : 7. FEB  8  732PM TO MIAMI      FL 305 685-6748 E    5    .80     J2      12   B B 01021
305 733-1697 633 OKLD 1FR   02 19 83                            : 8. FEB  8  749PM TO NORTH DADE FL 305 625-6244 E    1    .14     J2      18   B B 01021
-------------------------------------------------------------------: 9. FEB  8  750PM TO NORTH DADE FL 305 625-6244 E    1    .14     J2      18   B B 01021
                                                                 :10. FEB  8  751PM TO NORTH DADE FL 305 625-6244 E    1    .14     J2      24   B B 01021
     BILLED LOCAL SERVICE                       2260:11. FEB  9  431PM TO MIAMI      FL 305 691-0546 D    1    .32     J2      18   B B 01021
                                                                 :12. FEB  9  516PM TO MIAMI      FL 305 691-0546 E    1    .20     J2      42   B B 01021
                                                                 :13. FEB  9  707PM TO NORTH DADE FL 305 620-6389 E    8    .69     J2      18   B B 01021
                                                                 :14. FEB 13  929PM TO NORTH DADE FL 305 625-6244 E    3    .30     J2      42   B B 01021
                                                                 :15. FEB 14  928AM TO MIAMI      FL 305 868-1000 D    3    .78     J2      42   B B 01021
                                                                 :16. FEB 14  931AM TO MIAMI      FL 305 350-4279 D    2    .55     J2      42   B B 01021
                                                                 :-------------------------------------------------------------------------------
                                                                 :ITEMIZED CALLS 305-733-1697     PAGE 0005    B733-1697-633
                                                                 :NO.  DATE   TIME      PLACE       AREA-NUMBER   *  MIN  AMOUNT   M--TKT ID-- D B S RRMMT
                                                                 : 1. FEB 14  435PM TO MIAMI      FL 305 865-2255 D    4   1.01     J2      54   B B 01021
                                                                 : 2. FEB 14  440PM TO MIAMI      FL 305 350-4617 D    6   1.47     J2      42   B B 01021
                                                                 : 3. FEB 14 1108PM TO MIAMI      FL 305 553-6735 N   21   1.96     J2      54   B B 01021
                                                                 : 4. FEB 15  207PM TO MIAMI      FL 305 865-2255 D    3    .78     J2      06   B B 01021
                                                                 : 5. FEB 15  219PM TO MIAMI      FL 305 350-4279 D    6   1.47     J2      00   B B 01021
                                                                 : 6. FEB 15  241PM TO MIAMI      FL 305 350-4279 D    3    .78     J2      48   B B 01021
                                                                 :
                                                                 :KEY *-RATE APPLIED:
                                                                 : D  -DAY                          E  -EVENING
                                                                 : ES -EVENING STATION              N  -NITE/WKND
                                                                 :
                                                                 :
                                                                 :
                                                                 :INTER        .00   INTRA      15.01  TELE   .00   TOT     16.06     IND-0
                                                                 :COIN ORIGINATED:INTER           .00   INTRA      1.05
                                                                 :-------------------------------------------------------------------------------
```

EXHIBIT
221 L
HOUSE

1878

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 01 19 83

PCS
LN WILLIAMS, P G
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRHL FL 33313
TAR 024
SOD 3E

---S&E
BSXLP/QN I
1 IFR
1 TTR
2 9[illegible]SX
2 9SRSX
2 EXT
1 PRNST
1 CPERN/EN AD678J62191ALN-0.0B
1 DKMST/DES (A)12-27-79
1 RJ31X
1 TELST
MWS S-S,K%,M,B,B,N

BILLED LOCAL SERVICE

BILL DOI BO RAO DR BD MB
LIV 07-77 25 180 0

PB RA RB NT CC PPD
0211 317 8+

CT TRT HIST RT TL
0 000000000000 00000

NAB RCK HIST PY PST
0 000000 01 20

DEP CIV ATTY SELF OUT OF HR PR
04-80 0381 OWN

MO 1/7 2/8 3/9 9/10 8/11 8/12
IC 93 67 16 10 52 33
MJ 34 36 26 34 48
LU 0 0 0

PAY & ADJ
DATE T AMOUNT
0104 A 90.85

NB 0
CCG 117.89
TOT 117.89

MOM 6256244 MILDRED GRAHM

SE 21.10
DAC 6 NO CHG
13 AT .15 1.95
IC 89.64
TAX:F 2.89
CTY 2.31 5.20
CCG 117.89

ITEMIZED CALLS 305-733-1697 PAGE 0003 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER		MIN	AMOUNT	M--TKT	ID--	D	B	S	RMMT
1.	DEC 21	305PM	TO ALBANY	NY 518	936-0895	D	3	1.52	J2	06	B	J	01021
2.	DEC 21	308PM	TO ALBANY	" 518	474-6200	D	6	2.84	J2	42	B	J	01021
3.	DEC 21	318PM	TO NEW YORK	NY 212	732-6490	D	3	1.62	J2	06	B	J	01021
4.	DEC 21	345PM	TO NORTH DADE	FL 305	945-1881	D	1	.23	J2	18	B	B	01021
5.	DEC 21	346PM	TO MIAMI	FL 305	443-3303	D	2	.55	J2	06	B	B	01021
6.	DEC 22	1138AM	TO MIAMI	FL 305	350-5897								
	CALLING CARD FR FT LDL			FL 305	467-1789	DC	1	1.02	J241	42	B	B	01123
7.	DEC 22	1140AM	TO MIAMI	FL 305	350-5596								
	CALLING CARD FR FT LDL			FL 305	467-1789	DC	5	1.94	J242	30	B	B	01123
8.	DEC 22	1145AM	TO MIAMI	FL 305	350-5897								
	CALLING CARD FR FT LDL			FL 305	467-1789	DC	2	1.25	J242	00	B	B	01123
9.	DEC 23	1001AM	TO WASHINGTON	DC 202	554-2400	D	1	.62	J2	18	B	J	01021
10.	DEC 23	1003AM	TO MIAMI	FL 305	350-5897	D	2	.55	J2	12	B	B	01021
11.	DEC 23	1006AM	TO JACKSONVL	FL 904	354-8429	D	1	.62	J2	00	B	B	01021
12.	DEC 23	1030AM	TO MIAMI	FL 305	350-5596	D	1	.32	J2	30	B	B	01021
13.	DEC 23	1034AM	TO WASHINGTON	DC 202	387-1100	D	6	2.77	J2	24	B	J	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 01 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0004 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER		MIN	AMOUNT	M--TKT	ID--	D	B	S	RMMT
1.	DEC 23	1042AM	TO MIAMI	FL 305	350-5289	D	1	.32	J2	30	B	B	01021
2.	DEC 23	1043AM	TO TAMPA	FL 813	248-1931	D	1	.57	J2	36	B	B	01021
3.	DEC 23	151PM	TO NEWARK	NJ 201	622-5613	D	1	.57	J2	36	B	B	01021
4.	DEC 23	205PM	TO NEWARK	NJ 201	622-5613	D	14	6.36	J2	54	B	J	01021
5.	DEC 25	930AM	TO NORTH DADE	FL 305	625-6244	D	5	2.90	J2	06	B	J	01021
6.	DEC 26	926AM	TO COLUMBIA	SC 803	799-6888	N	3	.18	J2	30	B	B	01021
7.	DEC 26	1228PM	TO NORTH DADE	FL 305	625-6244	N	4	.76	J2	00	B	J	01021
8.	DEC 27	1110AM	TO NORTH DADE	FL 305	625-6244	N	7	.38	J2	54	B	B	01021
	CALLING CARD FR FT LDL			FL 305	621-3676								
9.	DEC 27	1115AM	TO MIAMI	FL 305	467-1789	DC	2	1.05	J241	30	B	B	01123
	CALLING CARD FR FT LDL			FL 305	446-2200								
10.	DEC 27	1259PM	TO MIAMI	FL 305	467-1789	DC	4	1.71	J241	00	B	B	01123
	CALLING CARD FR FT LDL			FL 305	223-7282								
11.	DEC 27	406PM	TO MIAMI	FL 305	467-1789	DC	1	1.02	J242	30	B	B	01123
	CALLING CARD FR FT LDL			FL 305	350-5897								
12.	DEC 28	936PM	TO NORTH DADE	FL 305	467-1789	DC	36	9.07	J241	12	B	B	01123
				FL 305	621-3676	E	4	.38	J2	42	B	B	01021

EXHIBIT
221m
HOUSE

1879

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 01 19 83

ITEMIZED CALLS 305-733-1697 PAGE 0005 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	DEC 29	804AM	TO MIAMI	FL 305 553-6735	D	16	3.77	J2	18		B	B	01021
2.	DEC 29	1001AM	TO MIAMI	FL 305 350-4617	D	3	.78	J2	18		B	B	01021
3.	DEC 29	1126AM	TO NORTH DADE	FL 305 621-3676	D	1	.23	J2	42		B	B	01021
4.	DEC 29	411PM	TO MIAMI	FL 305 691-0546	D	2	.55	J2	42		B	B	01021
5.	DEC 30	943AM	TO MIAMI	FL 305 350-4289	D	2	.55	J2	18		B	B	01021
6.	DEC 30	1023AM	TO MIAMI	FL 305 350-5596	D	1	.32	J2	12		B	B	01021
7.	DEC 30	1024AM	TO MIAMI	FL 305 350-5596	D	1	.32	J2	48		B	B	01021
8.	DEC 30	1058AM	TO MIAMI	FL 305 374-8484	D	1	.32	J2	36		B	B	01021
9.	DEC 30	1108AM	TO WASHINGTON	DC 202 296-4923	DP	4	4.91	J241	30		B	J	01121
10.	DEC 30	1118AM	TO MIAMI	FL 305 371-2161	D	1	.32	J2	30		B	B	01021
11.	DEC 30	711PM	TO MIAMI	FL 305 757-9056	E	1	.20	J2	48		B	B	01021
12.	DEC 30		TO PORTLAND	ME TELEGRAM			16.28	LJ212890521			1	0	14009
13.	DEC 31	724AM	TO SILVER SPG	MD 202 588-7592	N	15	2.65	J2	30		B	J	01021
14.	DEC 31	838AM	TO NEWARK	NJ 201 621-6967	D	14	6.36	J2	48		B	J	01021
15.	DEC 31	933AM	TO MIAMI	FL 305 685-6748	D	1	.32	J2	42		B	B	01021
16.	DEC 31	1005AM	TO MIAMI	FL 305 865-5170	D	2	.55	J2	06		B	B	01021

ITEMIZED CALLS 305-733-1697 PAGE 0006 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	JAN 1	1113AM	TO MIAMI	FL 305 751-5940	N	15	1.41	J2	18		B	B	01021
2.	JAN 1	734PM	TO NORTH DADE	FL 305 625-6244	N	10	.52	J2	48		B	B	01021
3.	JAN 3	1056AM	TO MIAMI	FL 305 350-4289	D	1	.32	J2	18		B	B	01021
4.	JAN 3	1229PM	TO MIAMI	FL 305 350-4289									
		CALLING CARD FR	FT LDL	FL 305 467-3660	DC	12	3.55	J242	12		B	B	01123
5.	JAN 3	239PM	TO MIAMI	FL 305 350-4289	D	7	.32	J2	36		B	B	01021
6.	JAN 3	245PM	TO CHARLESTON	WV 304 344-9651	D	5	2.34	J2	30		B	J	01021
7.	JAN 3	320PM	TO WASHINGTON	DC 202 828-2000	D	2	1.05	J2	42		B	J	01021
8.	JAN 3	634PM	TO MIAMI	FL 305 358-3680	E	1	.20	J2	30		B	B	01021
9.	JAN 3	635PM	TO MIAMI	FL 305 377-1966	E	10	1.55	J2	18		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 01 19 83

KEY *-RATE APPLIED:
D -DAY
DP -DAY PERSON
N -NITE/WKND
DC -DAY CLG CD
E -EVENING

INTER 36.10 INTRA 37.26 TELE 16.28 TOT 89.64 IND-0

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 BILLED LOCAL SERVICE                1510
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NPA CO  LINE CST EXCH CL SV BILL DA  TY  BIL- DOI  BO RAO DR BD HB # DEP   CIV   ATTY SELF OUT OF HM PR   MOM 6256244 MILDRED GRAHM
305 733-1697 633 OKLD IFR   12 19 82      LIV 07-77 25 180    0    # 04-80 0381  DWM
                                                                  #MO  1/7  2/8  3/9 4/10 5/11 6/12#----------------------------
RCS                                                               # PB   RA   RB  NT CC PPD#IC   67   16   10   52   33   4#SE . . . . . .      21.10
UN   WILLIAMS, P G                                                #0113        21%     8%   #     3%   36   26   3%   %8   5B#DAC      6 NO CHG
LA   2401 NW 43RD TER, LDHL                                      #                         #LU    0    0    0-------------#             5 AT .15        .75
                                                                  #CT  TRT HIST    RT   TL #   PAY & ADJ     #L B      %0.10  #IC . . . . . .      65.93
--BILL                                                            #0 000000000000 00000    # DATE T  AMOUNT #PAY       %0.10CR#TAX:F       .88
BN1  PATRICIA G WILLIAMS                                          #                        # 1213 A     %0.10#BAL         .00  #  CTY      2.19        3.07
BA2  2401 NW 43 TER                                               #NAB       RCK HIST PY PST#                 #CCG      90.85  #CCG . . . . . .      90.85
BO   LAUDRHL FL      33313                                        # 0         000000  12 21 #                 #TOT      90.85  #
TAR  024
BOD  JE                                                           #ITEMIZED CALLS 305-733-1697      PAGE 0003      B733-1697-633
                                                                  #NO.  DATE    TIME       PLACE          AREA-NUMBER    #  MIN  AMOUNT   M--TKT ID-- D B S PRMNT
--S&E                                                             # 1. NOV 23  507PM TO NORTH DADE FL 305 625-62%% E     2     .22      JJ2       12   B B 01021
BSXUP/GN 1                                                        # 2. NOV 2%  1202PM TO MIAMI     FL 305 350-%617 D     1     .32      JJ2       12   B B 01021
   1 IFR                                                 1210#  3. NOV 2%  141PM TO MIAMI     FL 305 350-%617 D     1     .32      JJ2       12   B B 01021
   1 TTR                                                  100#  %. NOV 2%  208PM TO MIAMI     FL 305 350-%617 D     1     .32      JJ2       42   B B 01021
   2 92HSX                                                 NR#  5. NOV 2%  %55PM TO MIAMI     FL 305 350-%617 D     1     .32      JJ2       12   B B 01021
   2 95RSX                                                 NR#  6. NOV 25  1150AM TO MIAMI     FL 305 63%-6229 E     3     .50      JJ2       30   B B 01021
   2 EXT                                                   NR#  7. NOV 26  1%%PM TO MIAMI     FL 305 691-05%6 D     5     .55      JJ2       2%   B B 01021
   1 PRMST                                               350#  8. NOV 26  1%6PM TO MIAMI     FL 305 691-05%6 D     1     .32      JJ2       18   B B 01021
   1 CPERN/EN AD698J6219IALN-0.08                          HR#  9. NOV 26  200PM TO MIAMI     FL 305 691-05%6 D     1     .32      JJ2       5%   B B 01021
   1 DKMST/DES (A)12-27-79                               225#10. NOV 26  658PM FR MIAMI     FL 305 691-9339 ES    1     .90      JK72      %2   C B 0112%
   1 RJ31X                                                 NR#11. NOV 27  %06PM TO NORTH DADE FL 305 625-62%% M     2     .1%      JJ2       00   B B 01021
   1 TELST                                               225#12. NOV 27  %2%PM TO NORTH DADE FL 305 621-36%1 M     2     .1%      JJ2       18   B B 01021
WTR  M313                                                 #13. NOV 28  1056AM FR MIAMI     FL 305 350-9022 MS    1     .82      JK70      36   C B 0112%
PWS  5-5,K%,M,B,B,N                                       #1%. NOV 28  33%PM TO TALLAHASSE FL 90% 575-7226 M     1     .2%      JJ2       30   B B 01021
                                                          #15. NOV 28  3%0PM TO CHARLOTTE  NC 70% 5%2-809% M     3     .59      JJ2       06   B J 01021
     ORDER ACTIVITY SINCE LAST RECORD                     #16. NOV 28  %%7PM FR MIAMI      FL 305 691-9905 MS    1     .82      JK72      36   C B 0112%
     ORDER NUMBER   COMPLETED  SERIAL N
NPA CO  LINE CST EXCH CL SV BILL DA  TY                   #ITEMIZED CALLS 305-733-1697      PAGE 0004      B733-1697-633
305 733-1697 633 OKLD IFR   12 19 82                      #NO.  DATE    TIME       PLACE          AREA-NUMBER    #  MIN  AMOUNT   M--TKT ID-- D B S PRMNT
                                                          # 1. NOV 28  503PM FR MIAMI      FL 305 691-9905 EP    7     2.80     JK77      2%   C B 0112%
     CALL CARD CONV  12-09 82  CALL CARD                  # 2. NOV 28  706PM TO MIAMI      FL 305 553-0698 E     1     .20      JJ2       12   B B 01021
                                                          # 3. NOV 28  706PM TO MIAMI      FL 305 685-67%8 E     1     .20      JJ2       %2   B B 01021
     BILLED LOCAL SERVICE                2110#            # %. NOV 28  708PM TO MIAMI      FL 305 836-322% E     2     .35      JJ2       18   B B 01021
                                                          # 5. NOV 29  1016AM TO MIAMI     FL 305 751-6692 D     5     .78      JJ2       00   B B 01021
                                                          # 6. NOV 29  %33PM TO MIAMI      FL 305 350-%617 D     1     .32      JJ2       12   B B 01021
                                                          # 7. NOV 29  5%3PM FR MIAMI      FL 305 350-9867 ES    2    1.05      JK70      06   C B 0112%
                                                          # 8. NOV 29  752PM TO MIAMI      FL 305 553-0698 E     2     .35      JJ2       06   B B 01021
                                                          # 9. NOV 30  7%1AM TO MIAMI      FL 305 358-123% M     %     .%0      JJ2       36   B B 01021
                                                          #10. DEC  1  %%2PM TO NORTH DADE FL 305 625-62%% D     9    1.19      JJ2       5%   B B 01021
                                                          #11. DEC  2  628PM FR N DADE     FL 305 621-36%1 ES    3    1.00      JJ32      30   B B 01224
                                                          #12. DEC  2  1%6PM TO MIAMI      FL 305 32%-f320 D     2     .55      JJ2       %2   B B 01021
                                                          #13. DEC  2  %05PM TO MIAMI      FL 305 350-%279 D     1     .32      JJ2       00   B B 01021
                                                          #1%. DEC  7  357PM TO WASHINGTON DC 202 72%-697% D     1     .82      JJ2       %8   B J 01021
                                                          #15. DEC  8  655PM TO MIAMI      FL 305 751-59%0 E     1     .20      JJ2       36   B B 01021
                                                          #16. DEC  8  7%7PM TO MIAMI      FL 305 751-59%0 E    55    8.28      JJ        30   B B 01021
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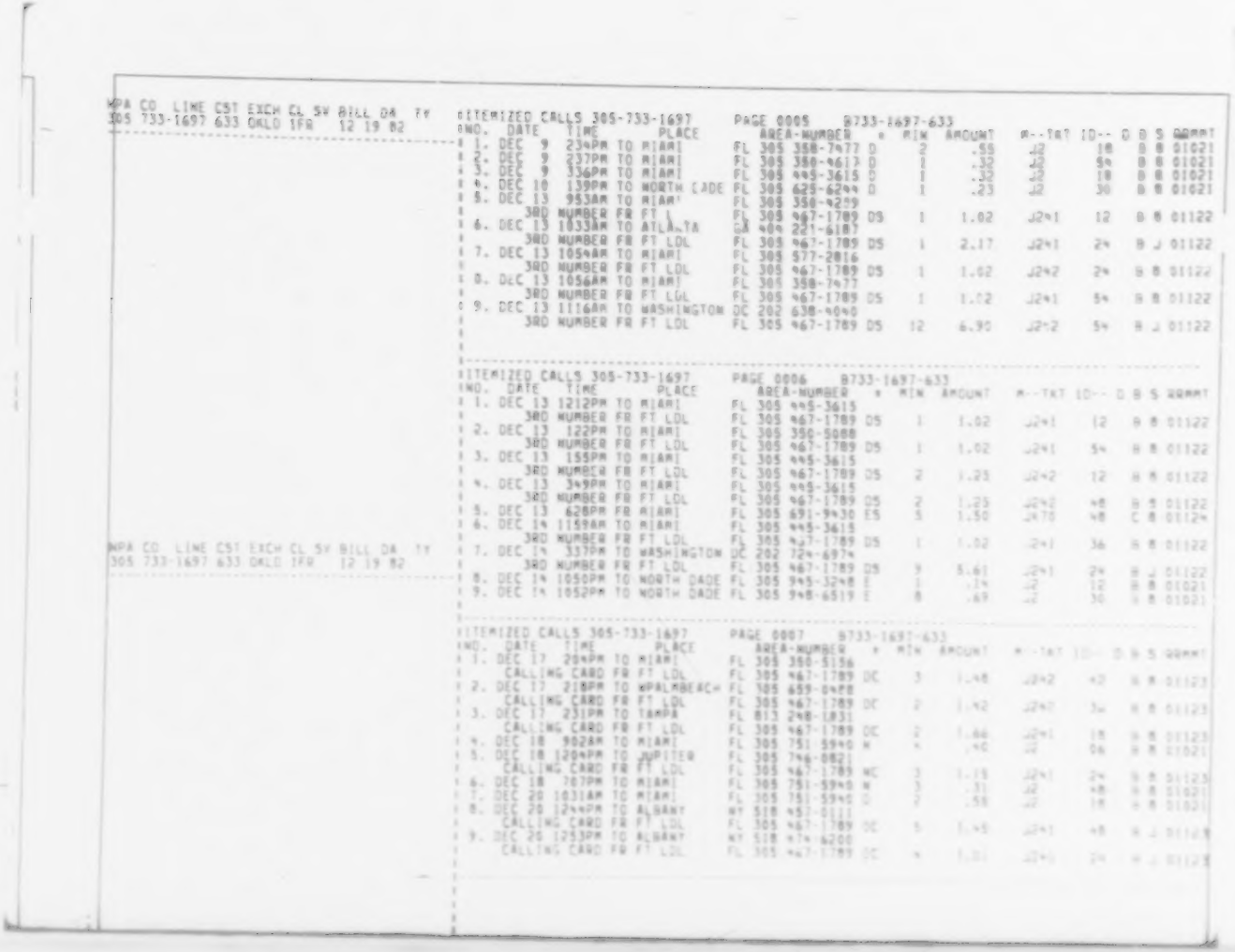
EXHIBIT
221 n
HOUSE

1981



NPA CO. LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 12 19 82

ITEMIZED CALLS 305-733-1697 PAGE 0005 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TAT	ID--	D	B	S	COMMT
1.	DEC 9	234PM	TO MIAMI	FL 305 358-7477	D	2	.55	J2	18	B	B		01021
2.	DEC 9	237PM	TO MIAMI	FL 305 380-4613	D	1	.32	J2	54	B	B		01021
3.	DEC 9	336PM	TO MIAMI	FL 305 445-3615	D	1	.32	J2	18	B	B		01021
4.	DEC 10	139PM	TO NORTH DADE	FL 305 625-6244	D	1	.23	J2	30	B	B		01021
5.	DEC 13	953AM	TO MIAMI	FL 305 358-9259									
	3RD NUMBER FR FT L			FL 305 967-1789	DS	1	1.02	J241	12	B	B		01122
6.	DEC 13	1033AM	TO ATLANTA	GA 404 221-6187									
	3RD NUMBER FR FT LDL			FL 305 967-1789	DS	1	2.17	J241	24	B	J		01122
7.	DEC 13	1054AM	TO MIAMI	FL 305 577-2016									
	3RD NUMBER FR FT LDL			FL 305 967-1789	DS	1	1.02	J242	24	B	B		01122
8.	DEC 13	1056AM	TO MIAMI	FL 305 358-7477									
	3RD NUMBER FR FT LDL			FL 305 967-1789	DS	1	1.02	J241	54	B	B		01122
9.	DEC 13	1116AM	TO WASHINGTON	DC 202 638-4040									
	3RD NUMBER FR FT LDL			FL 305 967-1789	DS	12	6.90	J242	54	B	J		01122

ITEMIZED CALLS 305-733-1697 PAGE 0006 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TAT	ID--	D	B	S	COMMT
1.	DEC 13	1212PM	TO MIAMI	FL 305 445-3615									
	3RD NUMBER FR FT LDL			FL 305 967-1789	DS	1	1.02	J241	12	B	B		01122
2.	DEC 13	122PM	TO MIAMI	FL 305 358-5088									
	3RD NUMBER FR FT LDL			FL 305 967-1789	DS	1	1.02	J241	54	B	B		01122
3.	DEC 13	155PM	TO MIAMI	FL 305 445-3615									
	3RD NUMBER FR FT LDL			FL 305 967-1789	DS	2	1.23	J242	12	B	B		01122
4.	DEC 13	349PM	TO MIAMI	FL 305 445-3615									
	3RD NUMBER FR FT LDL			FL 305 967-1789	DS	2	1.23	J242	48	B	B		01122
5.	DEC 13	628PM	FR MIAMI	FL 305 691-9430	ES	5	1.50	J470	48	C	B		01124
6.	DEC 14	1159AM	TO MIAMI	FL 305 445-3615									
	3RD NUMBER FR FT LDL			FL 305 967-1789	DS	1	1.02	J241	36	B	B		01122
7.	DEC 14	537PM	TO WASHINGTON	DC 202 724-6974									
	3RD NUMBER FR FT LDL			FL 305 967-1789	DS	9	5.61	J241	24	B	J		01122
8.	DEC 14	1050PM	TO NORTH DADE	FL 305 945-3248	I	1	.14	J2	12	B	B		01021
9.	DEC 14	1052PM	TO NORTH DADE	FL 305 948-6519	I	8	.69	J2	30	B	B		01021

ITEMIZED CALLS 305-733-1697 PAGE 0007 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TAT	ID--	D	B	S	COMMT
1.	DEC 17	204PM	TO MIAMI	FL 305 358-5156									
	CALLING CARD FR FT LDL			FL 305 967-1789	DC	3	1.48	J242	42	B	B		01123
2.	DEC 17	218PM	TO WPALMBEACH	FL 305 659-0428									
	CALLING CARD FR FT LDL			FL 305 967-1789	DC	2	1.42	J241	36	B	B		01123
3.	DEC 17	231PM	TO TAMPA	FL 813 248-1831									
	CALLING CARD FR FT LDL			FL 305 967-1789	DC	2	1.66	J241	18	B	B		01123
4.	DEC 18	902AM	TO MIAMI	FL 305 751 5940	N	1	.40	J2	06	B	B		01021
5.	DEC 18	1204PM	TO JUPITER	FL 305 746-0821									
	CALLING CARD FR FT LDL			FL 305 967-1789	NC	3	1.19	J241	24	B	B		01123
6.	DEC 18	707PM	TO MIAMI	FL 305 751-5940	N	3	.31	J2	48	B	B		01021
7.	DEC 20	1031AM	TO MIAMI	FL 305 751-5940	D	7	.58	J2	18	B	B		01021
8.	DEC 20	1244PM	TO ALBANY	NY 518 453-0111									
	CALLING CARD FR FT LDL			FL 305 967-1789	DC	5	1.48	J241	48	B	J		01123
9.	DEC 20	1253PM	TO ALBANY	NY 518 474-6200									
	CALLING CARD FR FT LDL			FL 305 967-1789	DC	4	1.31	J241	24	B	J		01123

NPA CO LINE CST EXCH CL SY BILL DA TY
305 733-1697 633 OKLD 1FR 12 19 82

ITEMIZED CALLS 305-733-1697 PAGE 0008 8733-1697-633
KEY *-RATE APPLIED:
D -DAY
DS -DAY STATION
ES -EVENING STATION
N -NITE/WKND
NS -NITE/WKND STATION
DC -DAY CLG CD
E -EVENING
EP -EVENING PERSON
NC -NITE/WKND CLG CD

INTER 22.35 INTRA 35.69 TELE .00 TOT 65.93 IND-0
COIN ORIGINATED: INTER .00 INTRA 7.89

MT
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1883

NPA CO LINE CST EXCH CL SV BILL DA TY | BILL DOI BO RAO DR BD HB | DEP CIV ATTY SELF OU OF HM P: MOM 6256244 MILDRED GRAHM
305 733-1697 633 OKLD 1FR 11 19 82 | LIV 07-77 25 180 0 | 04-80 0381 OWN

PCS
LN WILLIAMS, P G
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRHL FL 33313
TAR 024
SOD 3E
CCH I

---S&E
1 1FR
1 1TR
2 92HSX
2 95RSX
2 EXT
1 PRMST
1 CPERN/EN AD698J62191ALN-0.08
1* DKMST/DES (A)12-27-79
1 RJ31X
1 TELST
VER M313
MWS S-5,K%,M,B,B,N

BILLED LOCAL SERVICE 2110

PB	RA	RB	NT	CC	PPD
1215		11%		B*	

CT	TRT	HIST	RT	TL
0	000000000000	00000		

NAB	RCK	HIST	PY	PST
0		000000	11	22

	MO	1/7	2/8	3/9	4/10	5/11	6/12
IC	16	10	52	33	%1	3%1	SE
	36	26	3%	%8	58	%3%	DAC
LU	0	0	0				

PAY & ADJ FL B 33.6%
DATE T AMOUNT PAY 33.6% CR
1110 A 33.6% BAL .00
CCG %0.10
TOT %0.10

21.10
6 NO CHG
% AT .15 .60
IC 15.85
TAX:F .38
CTY 2.17 2.55
CCG . . . . . %0.10

ITEMIZED CALLS 305-733-1697 PAGE 0003 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER		MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	OCT 22	655PM	TO NORTH DADE	FL 305 625-6244	E	2	.22	J2	06	B	B		01021
2.	OCT 23	956AM	TO NORTH DADE	FL 305 625-6244	N	2	.14	J2	5%	B	B		01021
3.	OCT 23	244PM	TO NORTH DADE	FL 305 625-6244	N	6	.33	J2	06	B	B		01021
4.	OCT 24	346PM	TO NORTH DADE	FL 305 625-6244	N	2	.14	J2	36	B	B		01021
5.	OCT 25	618PM	TO MIAMI	FL 305 661-3746	E	9	.65	J2	06	B	B		01021
6.	OCT 25	807PM	TO FALMOUTH	ME 207 781-2428	E	7	1.96	J2	%8	B	J		01021
7.	OCT 26	341PM	TO MIAMI	FL 305 350-%617	D	2	.55	J2	%8	B	B		01021
8.	OCT 28	632PM	TO MIAMI	FL 305 661-3746	E	5	.80	J2	00	B	B		01021
9.	NOV 2	335PM	TO MIAMI	FL 305 350-%617	D	1	.32	J2	12	B	B		01021
10.	NOV 2	540PM	TO HOUSTON	TX 713 229-265%	EP	3	3.91	J242	36	B	J		01121
11.	NOV 3	323PM	TO MIAMI	FL 305 350-%617	D	1	.32	J2	18	B	B		01021
12.	NOV 3	826PM	TO NORTH DADE	FL 305 625-6244	E	7	.61	J2	06	B	B		01021
13.	NOV 8	%13PM	TO MIAMI	FL 305 350-%617	D	1	.32	J2	5%	B	B		01021
14.	NOV 8	%29PM	TO MIAMI	FL 305 350-%617	D	1	.32	J2	36	B	B		01021
15.	NOV 8	539PM	TO MIAMI	FL 305 350-%617	E	1	.20	J2	12	B	B		01021
16.	NOV 10	921AM	TO MIAMI	FL 305 %%5-3615	D	1	.32	J2	%2	B	B		01021

ITEMIZED CALLS 305-733-1697 PAGE 0004 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER		MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	NOV 10	941AM	TO MIAMI	FL 305 350-%617	D	1	.32	J2	5%	B	B		01021
2.	NOV 10	943AM	TO MIAMI	FL 305 350-%688	D	1	.32	J2	36	B	B		01021
3.	NOV 10	1024AM	TO MIAMI	FL 305 371-2161	D	1	.32	J2	18	B	B		01021
4.	NOV 10	1036AM	TO MIAMI	FL 305 350-%289	D	2	.55	J2	%2	B	B		01021
5.	NOV 10	%46PM	TO MIAMI	FL 305 %%5-3615	D	3	.78	J2	%2	B	B		01021
6.	NOV 14	1045AM	TO MIAMI	FL 305 634-6229	N	%	.40	J2	36	B	B		01021
7.	NOV 14	631PM	TO NORTH DADE	FL 305 625-6244	E	11	.92	J2	24	B	B		01021
8.	NOV 16	1159AM	TO NORTH DADE	FL 305 625-6244	D	1	.23	J2	%2	B	B		01021
9.	NOV 16	1200PM	TO MIAMI	FL 305 350-%617	D	1	.32	J2	%2	B	B		01021
10.	NOV 16	728PM	TO NORTH DADE	FL 305 625-7823	E	2	.22	J2	18	B	B		01021
11.	NOV 16	1000PM	TO NORTH DADE	FL 305 625-7823	E	2	.22	J2	24	B	B		01021
12.	NOV 19	653PM	TO NORTH DADE	FL 305 625-6402	E	1	.14	J2	18	B	B		01021

KEY *-RATE APPLIED:
D -DAY E -EVENING
EP -EVENING PERSON N -NITE/WKND

ITEMIZED CALLS 305-733-1697 PAGE 0005 8733-1697-633

EXHIBIT 2210 HOUSE

INTER 5.87 INTRA 9.98 TELE .00 TOT 15.85 IND-0

1884

BILLED LOCAL SERVICE 15101

INTER 1.56 INTRA .00 TELE .00 TOT 1.56 IND-0

NPA CO LINE CST EXCH CL SV BILL DA TY BILL DOI BO RAO DR BO HB
305 733-1697 633 OKLD IFR 10 19 82 LIV 07-77 25 180 0

DEP CIV ATTY SELF OUT OF HM PR MOM 6256244 MILDRED GRAHAM
04-80 0381

PCS
LN WILLIAMS, P G
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRML FL 33313
TAR 024
SOD 3E
CCH 1

---S&E
1 IFR
1 TTR
2 92HSX
2 95RSX
2 EXT
1 PRNST
1 CPERN/EN AD698J62191ALN-0.0A
1 DKMST/DES (A)12-27-79
1 RJ31X
1 TELST
VER M3T3
MWS 5-5,K%,M,B,A,N

ORDER ACTIVITY SINCE LAST RECORD
ORDER NUMBER COMPLETED SERIAL N

	MO	1/7	2/8	3/9	4/10	5/11	6/12	
	IC	10	52	33	41	34	36	ISE 21.10
		26	34	48	58	43	67	IDAC 6 NO CHG
	LU	0	0	0				1 AT .15 .15

PAY & ADJ IL B 132.66 IIC 9.95

DATE	T	AMOUNT		
0923	A	56.64	IBAL	.00
1005	A	76.02	ICCG	33.64
			ITOT	33.64

IPAY 132.66CR ITAX:F .31
ICTY 2.13 2.44
ICCG 33.64

PB	RA	RB	NT	CC	PPD
1111		D16		B*	

CT	TRT	HIST	RT	TL
0	000000000000	00000		

NAB	RCK	HIST	PY	PST
0	000000	10	21	

ITEMIZED CALLS 305-733-1697 PAGE 0003 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	SEP 22	842AM	TO MIAMI	FL 305 350-4617	D	1	.32	J2	36		B	B	01021
2.	SEP 22	908AM	TO MIAMI	FL 305 553-0698	D	1	.32	J2	36		B	B	01021
3.	SEP 22	956AM	TO MIAMI	FL 305 350-4617	D	3	.78	J2	48		B	B	01021
4.	SEP 24	505PM	TO NORTH DADE	FL 305 625-6244	E	5	.46	J2	06		B	B	01021
5.	SEP 24	538PM	TO NORTH DADE	FL 305 625-6402	E	1	.14	J2	54		B	B	01021
6.	SEP 28	902AM	TO MIAMI	FL 305 350-4617	D	3	.78	J2	00		B	B	01021
7.	SEP 29	446PM	TO MIAMI	FL 305 350-4617	D	1	.32	J2	18		B	B	01021
8.	SEP 29	636PM	TO NORTH DADE	FL 305 625-6244	E	2	.22	J2	12		B	P	01021
9.	OCT 2	153PM	TO MIAMI	FL 305 634-6229	N	7	.68	J2	24		B	B	01021
10.	OCT 10	1029AM	TO NORTH DADE	FL 305 621-3676	N	1	.09	J2	24		B	B	01021
11.	OCT 10	1152AM	TO NORTH DADE	FL 305 625-6244	N	5	.28	J2	42		B	B	01021
12.	OCT 10	658PM	TO MIAMI	FL 305 685-6748	E	1	.20	J2	30		B	B	01021
13.	OCT 11	400PM	TO MIAMI	FL 305 873-6951	D	1	.32	J2	48		B	B	01021
14.	OCT 12	410PM	TO PORTLAND	ME 207 774-2512	D	1	.64	J2	48		B	J	01021
15.	OCT 12	750PM	TO MIAMI	FL 305 284-2253	E	1	.20	J2	06		B	B	01021
16.	OCT 13	311PM	TO MIAMI	FL 305 350-4617	D	3	.78	J2	12		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 10 19 82

5058 09-28-82 824521V45

BILLED LOCAL SERVICE 21101

EXHIBIT 221 P HOUSE

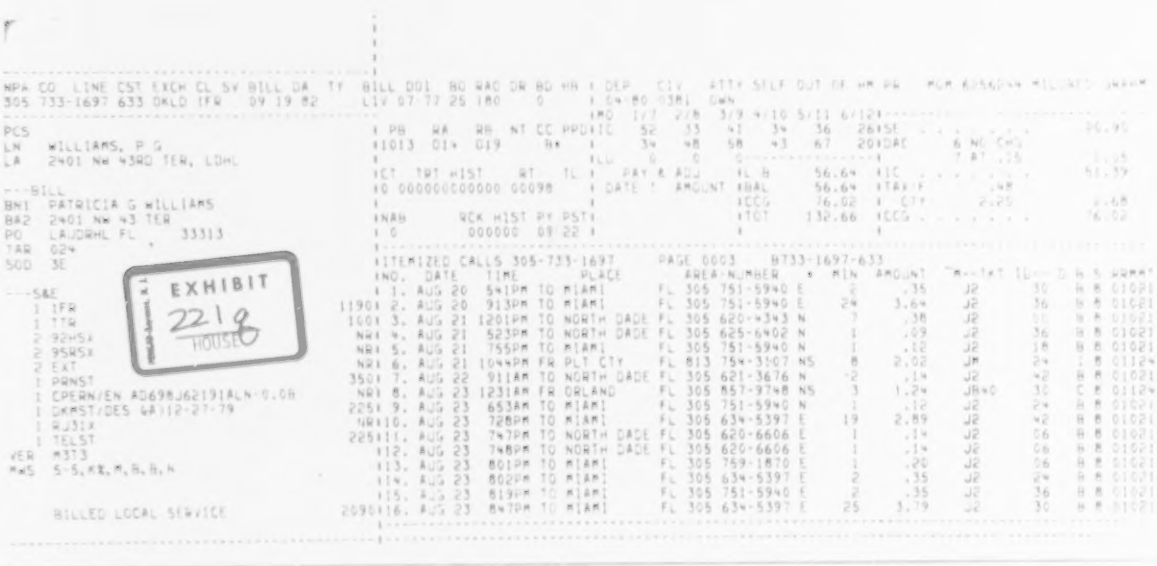
ITEMIZED CALLS 305-733-1697 PAGE 0004 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	OCT 14	825PM	TO MIAMI	FL 305 751-5940	E	1	.20	J2	18		B	B	01021
2.	OCT 14	930PM	TO MIAMI	FL 305 685-6748	E	11	1.70	J2	42		B	B	01021
3.	OCT 15	441PM	TO NORTH DADE	FL 305 625-6244	D	1	.23	J2	24		B	B	01021
4.	OCT 15	444PM	TO NORTH DADE	FL 305 621-3676	D	1	.23	J2	00		B	B	01021
5.	OCT 15	450PM	TO MIAMI	FL 305 553-6735	D	1	.32	J2	24		B	B	01021
6.	OCT 15	1003PM	TO MIAMI	FL 305 553-6735	E	1	.20	J2	48		B	B	01021
7.	OCT 17	611PM	TO NORTH DADE	FL 305 625-6244	E	2	.22	J2	06		B	B	01021
8.	OCT 18	856AM	TO MIAMI	FL 305 350-4617	D	1	.32	J2	18		B	B	01021

KEY *-RATE APPLIED:
D -DAY E -EVENING
N -NITE/WKND

INTER .64 INTRA 9.31 TELE .00 TOT 9.95 IND-0

1885



NPA CO LINE CST EXCH CL SV BILL DA TY BILL DD1 BD WAD DR BD HR | DEP CTY ATT# SELF OUT OF HR PR FOR ROAD# WILDATA WARM
305 733-1697 633 OKLD IFW 09 19 82 LIV 07 22 25 180 0 | 54 80 9381 GWN
MO 1/7 2/8 3/9 4/10 5/11 6/12

PCS
LN WILLIAMS, P G
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRHL FL 33313
TAR 024
SOD 3E

---S&E
1 1FR
1 TTR
2 92HSX
2 95RSX
2 EXT
1 PRNST
1 CPERN/EN AD698J62191ALN-0.08
1 DKMST/DES 6A112-27-79
1 RJ31X
1 TELST
VER M373
MWS S-S,MX,M,B,B,N

BILLED LOCAL SERVICE

PB RA RR NT CC PPD | IC 52 33 41 34 36 26 | SE
1013 01 019 8X | 34 48 58 43 67 20 | DAE 6 NC CHG
CLL 0 0 | T AT 12%
CT TRT HIST RT TL | PAY & ADJ 4L B 56.64 | IC
0 0000000000000 00098 | DATE AMOUNT | BAL 56.64 | TAX/F .48
CCG 76.02 | CTY 2.25 .68
NAB RCK HIST PY PST | TOT 132.66 | CCG 76.02
0 000000 09 22

ITEMIZED CALLS 305-733-1697 PAGE 0003 BT33-1697-633

NO.	DATE	TIME	PLACE	AREA	NUMBER	*	MIN	AMOUNT					
	1.	AUG 20	541PM TO MIAMI	FL	305	751-5940	E	2	.35	J2	30	H	R 01021
1190	2.	AUG 20	913PM TO MIAMI	FL	305	751-5940	E	24	3.64	J2	36	H	R 01021
160	3.	AUG 21	1201PM TO NORTH DADE	FL	305	620-4343	N	7	.38	J2	00	H	R 01021
NR1	4.	AUG 21	523PM TO NORTH DADE	FL	305	625-6402	N	1	.09	J2	36	H	R 01021
NR1	5.	AUG 21	755PM TO MIAMI	FL	305	751-5940	N	1	.12	J2	18	H	R 01021
NR1	6.	AUG 21	1044PM FR PLT CTY	FL	813	754-3107	NS	8	2.02	JM	24	I	R 01124
350	7.	AUG 22	911AM TO NORTH DADE	FL	305	621-3676	N	+2	.14	J2	+2	H	R 01021
NR1	8.	AUG 23	1231AM FR ORLAND	FL	305	857-9748	NS	3	1.24	JR+0	30	C	R 01124
225	9.	AUG 23	653AM TO MIAMI	FL	305	751-5940	N	1	.12	J2	24	H	R 01021
NR1	10.	AUG 23	728PM TO MIAMI	FL	305	634-5397	E	19	2.89	J2	+2	H	R 01021
225	11.	AUG 23	747PM TO NORTH DADE	FL	305	620-6606	E	1	.14	J2	06	H	R 01021
	12.	AUG 23	748PM TO NORTH DADE	FL	305	620-6606	E	1	.14	J2	06	H	R 01021
	13.	AUG 23	801PM TO MIAMI	FL	305	759-1870	E	1	.20	J2	06	H	R 01021
	14.	AUG 23	802PM TO MIAMI	FL	305	634-5397	E	2	.35	J2	24	H	R 01021
	15.	AUG 23	813PM TO MIAMI	FL	305	751-5940	E	2	.35	J2	36	H	R 01021
2690	16.	AUG 23	847PM TO MIAMI	FL	305	634-5397	E	25	3.79	J2	30	H	R 01021

EXHIBIT
2218
HOUSE

1886

| | | |

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 08 19 82

PCS
LN WILLIAMS, P G
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRHL FL 33313
TAR 024
SOD 3E

---S&E
1 IFR
1 TTR
2 92HSX
2 9SRSX
2 EXT
1 PRNST
1 CPERM/EN AD698J62191ALN-0.08
1 DKMST/DES (A)12-27-79
1 RJ31X
1 TELST
VER M3T3
RWS S-5,K%,M,B,B,N

BILLED-LOCAL SERVICE 2090

BILL DOI BO RAO DR BO MB
LIV 07-77 25 180 0

PB RA RB NT CC PPD
0911 014 80

CT TRT HIST RT TL
0 000000000000 00000

NAB RCK HIST PY PST
0 000000 08 20

DEP CLY ATTY SELF OUT OF HR PR
09-80 0381 OWN

NO 1/7 2/8 3/9 9/10 8/11 C/12
IC 33 41 34 36 26 34
ILU 0 0 0

PAY & ADJ IL B
DATE T AMOUNT PAY
0803 A 69.86 BAL .00
CCG 56.69
TOT 56.69

MOM 6286299 #ILDRED GRAHM

ISE	20.90
IC	33.11
TAX:F	.59
CTY	2.09
-	2.63
CR:CCG	56.69

ITEMIZED CALLS 305-733-1697 PAGE 0003 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R--TKT	ID--	D	B	S	RRMT
1.	JUL 20	939PM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	12		B	B	01021
1190 2.	JUL 21	907PM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	12		B	B	01021
100 3.	JUL 21	902PM	TO MIAMI	FL 305 387-2607	E	1	.20	J2	12		B	B	01021
NR 4.	JUL 22	620PM	FR MIAMI	FL 305 871-9841	ES	3	1.20	JK70	06		C	B	01029
NR 5.	JUL 25	942AM	TO NORTH DADE	FL 305 621-2300	N	6	.33	J2	18		B	B	01021
NR 6.	JUL 25	717PM	TO NORTH DADE	FL 305 625-7823	E	1	.14	J2	36		B	B	01021
350 7.	JUL 26	1059AM	TO MIAMI	FL 305 350-9617	D	3	.78	J2	42		B	B	01021
NR 8.	JUL 26	242PM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	24		B	B	01021
225 9.	JUL 26	329PM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	12		B	B	01021
NR 10.	JUL 27	1238PM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	12		B	B	01021
225 11.	JUL 27	1252PM	TO NORTH DADE	FL 305 625-6299	D	1	.32	J2	12		B	B	01021
12.	JUL 27	108PM	TO MIAMI	FL 305 350-9617	D	4	.59	J2	12		B	B	01021
13.	JUL 28	957AM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	24		B	B	01021
14.	JUL 28	1016AM	TO MIAMI	FL 305 350-9617	D	3	.78	J2	18		B	B	01021
15.	JUL 28	1103AM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	30		B	B	01021
16.	JUL 28	1254PM	TO MIAMI	FL 305 350-9617	D	2	.55	J2	30		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 08 19 82

ITEMIZED CALLS 305-733-1697 PAGE 0004 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R--TKT	ID--	D	B	S	RRMT
1.	JUL 28	144PM	TO MIAMI	FL 305 350-9617	D	4	1.01	J2	24		B	B	01021
2.	JUL 28	217PM	TO MIAMI	FL 305 350-9617	D	2	.55	J2	12		B	B	01021
3.	JUL 28	423PM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	12		B	B	01021
4.	JUL 29	841AM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	12		B	B	01021
5.	JUL 29	350PM	TO NORTH DADE	FL 305 350-5088	D	1	.32	J2	24		B	B	01021
6.	JUL 30	344PM	TO FTLAUDERDL	FL 305 625-6299	D	3	.97	J2	30		B	B	01021
		3RD NUMBER FR TAMPA		FL 305 484-0733									
7.	AUG 2	1007AM	TO MIAMI	FL 813 229-9834	DS	1	1.27	JM	30		B	B	01122
8.	AUG 2	1117PM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	24		B	B	01021
9.	AUG 2	1099PM	TO MIAMI	FL 305 350-9617	D	1	.32	J2	30		B	B	01021
10.	AUG 8	921PM	TO NORTH DADE	FL 305 625-6299	D	1	.32	J2	30		B	B	01021
11.	AUG 9	957AM	TO MIAMI	FL 305 350-9617	E	2	.22	J2	42		B	B	01021
		3RD NUMBER FR FT LDL		FL 305 763-9616	DS	1	1.02	J242	12		C	B	01222
12.	AUG 9	413PM	TO NORTH DADE	FL 305 625-6299	E	1	.14	J2	42		B	B	01021
13.	AUG 8	921PM	TO NORTH DADE	FL 305 620-9393	E	1	.14	J2	48		B	B	01021
14.	AUG 7	1150AM	FR N DADE	FL 305 625-6299	NS	1	.79	J232	54		B	B	01124

EXHIBIT
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HOUSE

1888

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 08 19 82

ITEMIZED CALLS 305-733-1697 PAGE 0005 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TRT	ID--	D	B	S	RRMMT
1.	AUG 8	243PM	TO MIAMI	FL 305 758-5707	N	1	.12	J2	42		B	B	01021
2.	AUG 13	1156AM	TO NORTH DADE	FL 305 625-6299	D	3	.47	J2	42		B	B	01021
3.	AUG 13	956PM	TO MIAMI	FL 305 758-5707	D	2	.55	J2	48		B	B	01021
4.	AUG 14	1027AM	TO MIAMI	FL 305 758-5707	N	3	.31	J2	12		B	B	01021
5.	AUG 14	1227PM	TO NORTH DADE	FL 305 945-2618	N	3	.18	J2	24		B	B	01021
6.	AUG 14	1236PM	TO LAKEPLACID	FL 813 465-3777	N	3	.50	J2	42		B	B	01021
7.	AUG 14	1240PM	TO NORTH DADE	FL 305 945-2614	N	1	.18	J2	42		B	B	01021
8.	AUG 15	750AM	TO MIAMI	FL 305 688-6749	N	10	.75	J2	48		B	B	01021
9.	AUG 15	801AM	TO NORTH DADE	FL 305 625-6299	N	8	.47	J2	06		B	B	01021
10.	AUG 15	809AM	TO COLUMBIA	SC 803 782-9387	N	12	2.14	J2	18		B	J	01021
11.	AUG 15	821AM	TO MIAMI	FL 305 761-8940	N	9	.96	J2	18		B	B	01021
12.	AUG 15	849AM	TO NORTH DADE	FL 305 949-9063	N	1	.09	J2	30		B	B	01021
13.	AUG 15	1013AM	TO NORTH DADE	FL 305 625-6299	N	4	.47	J2	18		B	B	01021
14.	AUG 15	608PM	TO ATLANTA	GA 404 344-2633	E	9	2.53	J2	12		B	J	01021
15.	AUG 15	609PM	TO WETMORE	TX 512 494-0302	E	27	7.29	J2	06		B	J	01021
16.	AUG 16	823AM	TO MIAMI	FL 305 380-4617	D	1	.12	J2	48		B	B	01021

ITEMIZED CALLS 305-733-1697 PAGE 0006 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TRT	ID--	D	B	S	RRMMT
1.	AUG 16	829AM	TO NORTH DADE	FL 305 625-6299	D	2	.35	J2	18		B	B	01021
2.	AUG 17	705PM	TO MIAMI	FL 305 761-8940	E	7	1.10	J2	18		B	B	01021
3.	AUG 18	853PM	TO MIAMI	FL 305 761-0745	E	4	.65	J2	36		B	B	01021
4.	AUG 19	617PM	TO NORTH DADE	FL 305 626-6299	E	1	.19	J2	00		B	B	01021

KEY *-RATE APPLIED:
D -DAY
E -EVENING
N -NITE/WKND

DS -DAY STATION
ES -EVENING STATION
NS -NITE/WKND STATION

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 08 19 82

INTER 11.81 INTRA 17.81 TELE .00 TOT 33.11 IND-0
COIN ORIGINATED: INTER .00 INTRA 3.49

BILLED LOCAL SERVICE 1490

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 07 19 82

PCS
LN WILLIAMS, P G
LA 2901 NW 43RD TER, LDML

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2901 NW 43 TER
PO LAUDRML FL 33313
TAR 024
SOD 3E

---S&E
1 IFR
1 TTR
2 92MSX
2 95RSX
2 EX*
1 PRNST
1 CPERN/EN AD698J62191ALN-0.08
1 DKMST/DES (A)12-27-79
1 RJ31X
1 TELST
VER M3T3
RWS S-S,XX,P,B,B,N

BILLED LOCAL SERVICE 2690

BILL DOI BO RAO OR BD MB
LIV 07-77 25 100 0

PB RA RB NT CC PPD
0811 914 BB

CT TRT MIST RT TL
0 000000000000 00000

NAB BCK MIST PY PST
0 000000 07 21

DEP CIV ATTY SELF OUT OF HR PR
04-80 0381 OWN

AO 1/7 2/8 3/9 9/10 $/11 6/12
IC 41 34 36 26 34 48
LU 0 0 0 0

PAY & ADJ IL B
DATE T AMOUNT
0706 A $7.89

.99 TOT 1.42 IND-0

MON 6256244 MILDRED GRAHM

SE 20.99
DAC 6 NO CHG
9 AT .15 1.35
IC 39.76
CTY 2.23 2.85
CCG 64.86

$7.89 BAL .00
TAX:F .62
CCG 64.86
TOT 64.86

ITEMIZED CALLS 305-733-1697 PAGE 0003 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R--TRT	ID--	C	B	S	RRMMT
1.	JUN 21	614AM	TO NORTH DADE	FL 305 948-6529	N	1	.09	J2	48	B	B		01021
2.	JUN 21	615AM	TO NORTH DADE	FL 305 948-6529	N	1	.09	J2	24	B	B		01021
3.	JUN 21	616AM	TO NORTH DADE	FL 305 948-6519	N	1	.09	J2	36	B	B		01021
4.	JUN 22	1107AM	TO MIAMI	FL 305 350-4617	D	3	.78	J2	00	B	B		01021
5.	JUN 22	115PM	TO MIAMI	FL 305 350-4617	D	2	.55	J2	54	B	B		01021
6.	JUN 22	238PM	TO MIAMI	FL 305 350-4617	D	2	.55	J2	18	B	B		01021
7.	JUN 22	710PM	TO NORTH DADE	FL 305 621-7465	E	1	.14	J2	06	B	B		01021
8.	JUN 22	711PM	TO NORTH DADE	FL 305 621-7465	E	1	.14	J2	06	B	B		01021
9.	JUN 23	650AM	TO NORTH DADE	FL 305 625-6244	N	1	.09	J2	54	B	B		01021
10.	JUN 23	722PM	TO NORTH DADE	FL 305 625-6244	E	4	.38	J2	48	B	B		01021
11.	JUN 24	648AM	TO NORTH DADE	FL 305 948-6519	N	3	.18	J2	06	B	B		01021
12.	JUN 25	949PM	TO MIAMI	FL 305 893-3838	E	4	.65	J2	06	B	B		01021
13.	JUN 26	104AM	FR ORLAND	FL 305 351-9823	NS	2	1.08	JB40	48	C	B		01414
14.	JUN 26	1039AM	TO MIAMI	FL 305 661-8021	N	1	.12	J2	24	B	B		01021
15.	JUN 26	1124AM	TO MIAMI	FL 305 284-2253	N	9	.86	J2	12	B	B		01021
16.	JUN 27	956AM	TO NORTH DADE	FL 305 621-3676	N	1	.09	J2	42	B	B		01021

EXHIBIT
221S
HOUSE

1890

BILLED LOCAL SERVICE

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                                  15. JUN 26 1124AM TO MIAMI          FL 305 284-2253 N     1     .14   J2     24   B B 01021
2090                              16. JUN 27  956AM TO NORTH DADE     FL 305 621-3676 N     1     .09   J2     42   B B 01021
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NPA CO  LINE CST EACH CL SV BILL DA  TY
305 733-1697 633 OKLD IFR   07 19 82
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ITEMIZED CALLS 305-733-1697      PAGE 0004     B733-1697-633
NO.  DATE   TIME      PLACE          AREA-NUMBER      *  MIN  AMOUNT  A--TKT ID-- D B S RRRRT
 1. JUN 28  958AM TO MIAMI          FL 305 374-0563 D     2     .55   J2     12   B B 01021
 2. JUN 28 1210PM TO MIAMI          FL 305 350-9617 D     3     .78   J2     36   B B 01021
 3. JUN 28  638PM TO NORTH DADE     FL 305 621-3676 E     3     .30   J2     24   B B 01021
 4. JUN 29  843AM TO MIAMI          FL 305 350-9617 D     5    1.24   J2     42   B B 01021
 5. JUN 29  232PM TO NORTH DADE     FL 305 625-6244 D     3     .97   J2     06   B B 01021
 6. JUN 29  300PM TO MIAMI          FL 305 350-9617 D     2     .55   J2     48   B B 01021
 7. JUN 29  946PM TO MIAMI          FL 305 350-9617 D     1     .32   J2     12   B B 01021
 8. JUN 30  917PM TO MIAMI          FL 305 350-9617 D     2     .55   J2     24   B B 01021
 9. JUL  1  908PM TO MIAMI          FL 305 666-6666 D     1     .32   J2     12   B B 01021
10. JUL  2  614PM TO NEW YORK       NY 212 269-5550 E     2     .64   J2+2   24   B J 01221
11. JUL  2 1048AM TO MIAMI          FL 305 374-0563 D     1     .32   J2     18   B B 01021
12. JUL  2  256PM TO MIAMI          FL 305 374-0563 D     1     .32   J2     24   B B 01021
13. JUL  8  806AM TO NORTH DADE     FL 305 625-6244 D     2     .35   J2     12   B B 01021
14. JUL  8  934PM TO DADE CITY      FL 904 567-9360
        3RD NUMBER FR TAMPA
15. JUL  8  718PM FR TAMPA          FL 813 229-9751 DS    3    1.62   JM     48   J B 01122
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ITEMIZED CALLS 305-733-1697      PAGE 0005     B733-1697-633
NO.  DATE   TIME      PLACE          AREA-NUMBER      *  MIN  AMOUNT  A--TKT ID-- D B S RRRRT
 1. JUL  8 1125PM FR TAMPA          FL 813 272-0931 NS   19    2.95   JM     06   J B 01124
 2. JUL  9  915PM FR TAMPA          FL 813 877-9856 DS    2    1.66   JM     00   J B 01124
 3. JUL  9  959PM FR TAMPA          FL 813 879-9119 DS    5    2.83   JM     12   J B 01124
 4. JUL  9  759PM TO COLUMBIA       SC 803 782-9387 E    23    6.04   J2     18   N   01021
 5. JUL 10  856AM TO NORTH DADE     FL 305 621-3676 N     1     .09   J2     24   B B 01021
 6. JUL 13  913PM TO MIAMI          FL 305 350-9617 D     1     .32   J2     24   B B 01021
 7. JUL 13  917PM TO MIAMI          FL 305 350-9617 D     1     .32   J2     30   B B 01021
 8. JUL 13  919PM TO MIAMI          FL 305 350-2696 E     1     .20   J2     54   B B 01021
 9. JUL 14  910PM TO MIAMI          FL 305 661-3746 E     2     .35   J2     06   N B 01021
10. JUL 15 1209PM TO AUSTIN         TX 512 475-1234
        3RD NUMBER FR FT LDL
11. JUL 16 1217PM TO MIAMI          FL 305 350-9289 D     1     .32   J2     30   N B 01021
12. JUL 16  144PM TO NORTH DADE     FL 305 625-6244 D     7     .95   J2     42   N B 01021
13. JUL 17 1124AM TO NORTH DADE     FL 305 625-6244 N     1     .09   J2     48   N B 01021
14. JUL 18 1133AM TO NORTH DADE     FL 305 621-3676 N     4     .23   J2     18   N B 01021
15. JUL 18 1140AM TO NORTH DADE     FL 305 948-6519 N     3     .18   J2     24   N B 01021
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ITEMIZED CALLS 305-733-1697      PAGE 0006     B733-1697-633

KEY *-RATE APPLIED:
 D  -DAY                            DS -DAY STATION
 E  -EVENING                        ES -EVENING STATION
 N  -NITE/WKND                      NS -NITE/WKND STATION


INTRA        9.31   INTRA       23.26  TOLL     .00  TOT      33.76   IN
COIN ORIGINATED INTRA     .00   INTRA        1.19
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NPA CO  LINE CST EXCH CL SV BILL DA  TY  BILL DOI  BO RAO OR BO MB | DEP   CIV   ATTY SELF OUT OF HR PR   MON 6256249 MILDRED GRAHM
305 733-1697 633 OKLD IFR   06 19 82     LIV 07-77 26 180    0    | 04-00 8381  OWN
                                                                  |NO  1/7  2/8  3/9 9/10 6/11 6/12|----------------------------
PCS                                                               | PB   RA   RB  MT CC PPD|IC   34   36   26   34   98   68|SE . . . . . .      20.90
LN   WILLIAMS, P G                                                |0714       812      BA  |     93   67   20   18   12    7|DAC      6 NO CHG
LA   2901 NW 93RD TER, LDHL                                       |                        |LU    0    0    0|-------------|         8 AT .18        1.20
                                                                  |CT  TRT HIST    RT   TL | PAY & ADJ      |L B      89.63 |IC . . . . . .       33.03
---BILL                                                           |0 000000000000 00000    | DATE T AMOUNT  |PAY      89.63CR|TAX:F       .55
BN1  PATRICIA G WILLIAMS                                          |                        | 0601 A   89.63 |BAL        .00 |  CTY       2.21        2.76
BA2  2901 NW 93 TER                                               |NAB       RCK HIST PT PST|                |CCG      87.89 |CCG . . . . . .      87.89
PO   LAUDRHL FL     33313                                        | 0          000000  06 22 |                |TOT      87.89 |
TAR  824                                                          |-------------------------------------------------------------------------------------------------
SOD  3E                                                           |ITEMIZED CALLS 305-733-1697     PAGE 0003    8733-1697-633
                                                                  |NO.  DATE   TIME      PLACE          AREA-NUMBER    *  MIN  AMOUNT   M--TRT ID-- D B S RRMMT
---S&E                                                            | 1. MAY 20  606PM TO MIAMI      FL 305 688-3611 E     7   1.16   J2      54  B 0 01021
   1 IFR                                                    1190| 2. MAY 22 1186PM FR DAYT B     FL 904 268-9399 NS    9   1.43   J060    06  C 0 01414
   1 TTR                                                    100| 3. MAY 23  646PM TO MIAMI      FL 305 688-3611 E     3    .50   J2      30  B 0 01021
   2 92HSX                                                   NR| 4. MAY 24  608PM TO WINDERMERE  FL 305 876-9611 E     1    .37   J2      18  B 0 01021
   2 95RSX                                                   NR| 5. MAY 24  722PM TO WINDERMERE  FL 305 876-9611 E     1    .37   J2      18  B 0 01021
   2 EXT                                                     NR| 6. MAY 24  752PM TO TAMPA       FL 813 876-9611 E     2    .62   J2      06  B 0 01021
   1 PRMST                                                  3501| 7. MAY 24  926PM TO TAMPA       FL 813 876-9611 E     1    .37   J2      54  B 0 01021
   1 CPERN/EN AD698J62191ALN-0.0B                            NR| 8. MAY 26  382PM TO TAMPA       FL 813 876-9611 D     1    .67   J2      48  B 0 01021
   1 DKMST/DES (A)12-27-79                                  225| 9. MAY 26  124PM TO NORTH DADE  FL 305 625-6244 D     2    .35   J2      06  B 0 01021
   1 RJ31X                                                   NR|10. MAY 26  126PM TO MIAMI      FL 305 688-3611 D     9   1.01   J2      24  B 0 01021
   1 TELST                                                  225|11. MAY 26  211PM TO MIAMI      FL 305 691-0546 D     1    .32   J2      30  B 0 01021
VER  M3T3                                                    |12. MAY 28  111PM TO FTLAUDERDL  FL 305 731-0176
MWS  5-5,XX,M,B,B,N                                          |       3RD NUMBER FR INGLWD      CA 213 641-5700 DS    7   5.23   VM62    00  B J 01122
                                                             |13. MAY 30  821AM TO FTLAUDERDL  FL 305 731-0176
                                                             |       3RD NUMBER FR INGLWD      CA 213 641-5700 NS    6   2.82   VM62    00  B J 01122
     BILLED LOCAL SERVICE                               2090|14. JUN  1  352PM TO MIAMI       FL 305 350-4617 D     2    .55   J2      30  B 0 01021
-------------------------------------------------------------|-------------------------------------------------------------------------------------------------
```

EXHIBIT
22 I +
HOUSE

1892

BILLED LOCAL SERVICE	2090119. JUN 1	382PM TO MIAMI	CA 213 691-8700 MS FL 305 380-9617 D	6 2	2.82 .55	YH62 J2	06 30	B J 01122 B B 01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 06 19 82

ITEMIZED CALLS 305-733-1697 PAGE 0004 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R--TKT	ID--	D	B	S	RRMT
1.	JUN 1	989PM	TO NORTH DADE	FL 305 626-6299	E	7	.61	J2	12	B	B		01021
2.	JUN 3	739PM	TO MIAMI	FL 305 380-6349	E	3	.50	J2	30	B	B		01021
3.	JUN 4	311PM	TO NORTH DADE	FL 305 626-6299	D	9	1.19	J2	18	B	B		01021
4.	JUN 4	320PM	TO NORTH DADE	FL 305 626-6299	D	3	.97	J2	06	B	B		01021
5.	JUN 4	734PM	TO NORTH DADE	FL 305 621-3676	E	29	1.99	J2	30	B	B		01021
6.	JUN 5	699PM	TO MIAMI	FL 305 686-9748	N	1	.12	J2	12	B	B		01021
7.	JUN 5	939PM	TO MIAMI	FL 305 686-6748	N	5	.99	J2	12	B	B		01021
8.	JUN 6	941AM	TO COLUMBIA	SC 803 254-0066	N	11	1.96	J2	06	B	J		01021
9.	JUN 6	129PM	TO NORTH DADE	FL 305 621-3676	N	3	.18	J2	18	B	B		01021
10.	JUN 6	947PM	TO NORTH DADE	FL 305 621-3676	N	1	.09	J2	06	B	B		01021
11.	JUN 7	126PM	TO MIAMI	FL 305 380-9617	D	1	.32	J2	24	B	B		01021
12.	JUN 9	906AM	TO MIAMI	FL 305 380-9617	D	1	.32	J2	18	B	B		01021
13.	JUN 9	432PM	TO MIAMI	FL 305 634-6229	D	3	.78	J2	18	B	B		01021
14.	JUN 9	806PM	TO NORTH DADE	FL 305 626-6299	E	6	.63	J2	54	B	B		01021
15.	JUN 10	133PM	TO MIAMI	FL 305 380-9617	D	1	.32	J2	36	B	B		01021
16.	JUN 10	627PM	TO PERRINE	FL 305 253-1987	E	6	1.14	J2	54	B	B		01021

ITEMIZED CALLS 305-733-1697 PAGE 0005 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	R--TKT	ID--	D	B	S	RRMT
1.	JUN 10	662PM	TO NORTH DADE	FL 305 621-8166	E	2	.22	J2	54	B	B		01021
2.	JUN 10	668PM	TO NORTH DADE	FL 305 621-8166	E	1	.14	J2	18	B	B		01021
3.	JUN 10	939PM	TO NORTH DADE	FL 305 626-6299	E	4	.30	J2	06	B	B		01021
4.	JUN 10	942PM	TO MIAMI	FL 305 686-6748	E	3	.50	J2	06	B	B		01021
5.	JUN 10	1019PM	TO MIAMI	FL 305 751-6940	E	1	.20	J2	24	B	B		01021
6.	JUN 11	198PM	TO FTLAUDERDL	FL 305 761-3188									
	3RD NUMBER FR M DADE			FL 305 621-8166	DS	1	.93	J230	24	B	B		01222
7.	JUN 11	1027AM	TO FTLAUDERDL	FL 305 761-3188									
	3RD NUMBER FR M DADE			FL 305 621-8166	DS	1	.93	J231	42	B	B		01122
8.	JUN 11	1146AM	TO FTLAUDERDL	FL 305 731-8176									
	3RD NUMBER FR M DADE			FL 305 621-8166	DS	1	.93	J230	54	B	B		01122
9.	JUN 11	322PM	FR M DADE	FL 305 621-8166	DS	2	1.08	J231	12	B	B		01124
10.	JUN 13	1046AM	TO NORTH DADE	FL 305 626-6299	N	2	.14	J2	24	B	B		01021
11.	JUN 14	640PM	TO MIAMI	FL 305 693-2820	E	3	.50	J2	12	B	B		01021
12.	JUN 16	633PM	TO NORTH DADE	FL 305 621-3676	E	2	.22	J2	18	B	B		01021
13.	JUN 18	1026AM	TO MIAMI	FL 305 374-0863	D	1	.32	J2	42	B	B		01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 06 19 82

ITEMIZED CALLS 305-733-1697 PAGE 0006 B733-1697-633

KEY 0-RATE APPLIED:
D -DAY
E -EVENING
NS -NITE/WKND STATION
DS -DAY STATION
N -NITE/WKND

INTER 10.01 INTRA 21.89 TELE .00 TOT 33.03 IND-0
COIN ORIGINATED: INTER .00 INTRA 1.93

1893

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VER. M2                                                                         
                                                                                
     BILLED LOCAL SERVICE                                                       
                                                                                
                                                                                
                                                                                
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| | | |

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      ORDER NUMBER   COMPLETED  SERIAL N
      5058            03-23-82  82309AV47

      BILLED LOCAL SERVICE                1990

NPA CO  LINE CST EXCH CL SV BILL DA  TY  BILL DOI  BO RAO OR BO HB
305 733-1697 633 OKLD 1FR   04 19 82      LIV 07-77 25 180    0

PCS
LN   WILLIAMS, P G
LA   2401 NW 93RD TER, LDHL

---BILL
BN1  PATRICIA G WILLIAMS
BA2  2401 NW 93 TER
PO   LAUDRHL FL      33313
TAR  024
SOD  3E

---S&E
   1 1FR                              1190
   1 TTR                              100
   2 92HSX                             NR
   2 95RSX                             NR
   2 EXT                               NR
   1 PRWST                            350
   1 CPERN/EN AD698J62191ALN-0.08      NR
   1 DKMST/DES (A)12-27-79            225
   : RJ31X                             XR
   1 TELST                            225
YER  M3T3
MWS  S-S,KX,M,B,B,N

      BILLED LOCAL SERVICE              2090

 DEP    CIV    ATTY SELF OUT OF HR PR    MOR 6256299 MILDRED GRAHM
 04-80 6381   DWN
 MO  1/7  2/8  3/9 9/10 $/11 6/12
 PB    RA    RB  NT CC PPD  IC   26   34   98   58   93   67  SE . . . . . .   20.90
 0512        619     88      20   18   12    7   16   26  DAC      & NO CHG
                             LU    0    0    0                  AT .15          .15
 CT  TRT HIST    RT   TL     PAY & ADJ     IL B     98.33  IIC . . . . . .   26.48
 0 000000000000 00000       DATE T  AMOUNT  PAY     98.33 CR TAX:F      .47
                            0330 A    98.33 BAL        .00   CTY      2.11    2.58
 NAB      RCK HIST PY PST                     CCG     50.11  CCG . . . . . .   50.11
 0        000000  04 21                      TOT     50.11

ITEMIZED CALLS 305-733-1697     PAGE 0003     B733-1697-633
NO.  DATE    TIME       PLACE          AREA-NUMBER     *  MIN  AMOUNT  R--TRT ID-- O B S RRRRT
 1. MAR 21  1020AM FR ATLANTA     GA 404 349-5355 NS      6   3.00   J342   24   B J 01124
 2. MAR 21   810PM TO NORTH DADE  FL 305 625-6244 E       1    .19   J2     36   B B 01021
 3. MAR 22   649PM TO NORTH DADE  FL 305 621-3676 E       1    .19   J2     54   B B 01021
 4. MAR 22   831PM FR ATLANTA     GA 404 394-5228 ES      5   3.04   J344   06   B J 01124
 5. MAR 23   913AM TO MIAMI       FL 305 350-9617 D       1    .32   J2     48   B B 01021
 6. MAR 26   345PM TO BATONROUGE  LA 504 387-9999
                 3RD NUMBER FR ATLANTA     GA 404 659-0000 DS      1   2.50   J352   30 C B J 01122
 7. MAR 26   708PM TO BATONROUGE  LA 504 343-7299
                 3RD NUMBER FR MARIETA     GA 404 977-9115 ES      5   3.04   J344   18   B J 01122
 8. MAR 28   716PM TO NORTH DADE  FL 305 621-3676 E       5    .96   J2     36   B B 01021
 9. MAR 28   737PM TO NORTH DADE  FL 305 621-3676 E       1    .19   J2     06   B B 01021
10. MAR 29   257PM TO VERIFY BSY      305 739-7752 OS      1    .15   J242   00   B J 35221
11. MAR 29   910PM TO MIAMI       FL 305 350-9617 D       2    .55   J2     54   B B 01021
12. MAR 29   758PM TO CHARLESTON  WV 304 344-9651 E       3    .94   J2     00   B J 01021
13. MAR 30   923PM TO MIAMI       FL 305 350-9617 D       1    .32   J2     18   B B 01021
14. MAR 31   934AM TO MIAMI       FL 305 350-9617 D       3    .78   J2     30   B B 01021
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NPA CO  LINE CST EXCH CL SV BILL DA  TY
305 733-1697 633 OKLD 1FR   04 19 82

ITEMIZED CALLS 305-733-1697     PAGE 0004     B733-1697-633
NO.  DATE    TIME       PLACE          AREA-NUMBER     *  MIN  AMOUNT  R--TRT ID-- O B S RRRRT
 1. MAR 31  1034PM TO INGLEWOOD   CA 213 674-3624 E       1    .42   J2     00   B J 01021
 2. APR  1   557PM FR LOSANG     CA 213 776-8910 ES     10   9.84   VI42   00   B J 01124
 3. APR  2   328PM TO MIAMI       FL 305 350-9617 D       2    .55   J2     00   B B 01021
 4. APR  5   345PM TO MIAMI       FL 305 350-9617 D       3    .78   J2     18   B B 01021
 5. APR  8   351PM TO MIAMI       FL 305 350-9617 D       1    .32   J2     54   B B 01021
 6. APR  8   912PM TO MIAMI       FL 305 350-9617 D       1    .32   J2     12   B B 01021
 7. APR  8   637PM TO NORTH DADE  FL 305 625-6244 E       5    .96   J2     06   B B 01021
 8. APR  8   641PM TO NORTH DADE  FL 305 621-3676 E       4    .38   J2     30   B B 01021
 9. APR 11  1200PM TO NORTH DADE  FL 305 625-6244 N       3    .18   J2     24   B B 01021
10. APR 17   811AM TO COLUMBIA    SC 803 782-9387 N      10   1.79   J2     12   B J 01021
11. APR 18   843PM TO NORTH DADE  FL 305 625-6244 E       2    .22   J2     18   B B 01021
12. APR 18   845PM TO MIAMI       FL 305 751-0748 E       2    .36   J2     30   B B 01021
13. APR 18   700PM TO MIAMI       FL 305 751-0748 E       2    .36   J2     18   B B 01021

KEY *-RATE APPLIED:
 D  -DAY                          DS -DAY STATION

ITEMIZED CALLS 305-733-1697     PAGE 0005     B733-1697-633
 E  -EVENING                      ES -EVENING STATION
 N  -NITE/WKND                    NS -NITE/WKND STATION
```

EXHIBIT
221v
HOUSE

1896

NFA CO LINE CST EXCH CL SV BILL DA TY BILL DOI BO RAO OR BO MB
305 733-1697 633 OKLD IFR   03 19 82   LIV 07-77 25 180   0

PCS
LN WILLIAMS, P G
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO   LAUDRHL FL   33313
TAR C24
SOO 3E

---S&E
  1 IFR
  1 TTR
  2 92HSX
  2 95RSX
  2 EXT
  1 PRNST
  1 CPERM/EN AD698J6219IALK-0.08
  1 DKMST/DES (A)12-27-79
  1 RJ31X
  1 TELST
VER M3T3
MWS 5-5,KK,M,B,B,N

BILLED LOCAL SERVICE

EXHIBIT 221W HOUSE

PB	RA	RB	MT	CC	PPD
0913		513		87	

CT TRT HIST RT TL
0 000000000000 00000

MAB RCK HIST PY PST
0 000000 03 22

DEP	CLK	ATTY SELF OUT OF HR PR						ROM 6256244 MILDRED GRAHM
09-80 0381	OWN							
MO	1/7	2/8	3/9	4/10	5/11	6/12		
IC	34	48	58	43	67	20	SE	20.90
	18	12	7	16	26	0	DAC	6 NO CHG
LU	0	0	0					6 AT .15 .90

PAT & ADJ		TL B	71.33	IC	33.64
DATE T	AMOUNT	PAT	81.18	CR	TAX .56
0229 C	81.18	BAL	9.85	CR	CTY 2.18 2.74
		CCG	58.18	CCG	58.18
		TOT	48.33		

ITEMIZED CALLS 305-733-1697 PAGE 0003 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER		MIN	AMOUNT	R--TKT	ID--	D	B	S	RRMT
1.	FEB 20	0848A	FR MIAMI	FL 305	633-9399	SM	2	.91	JK30	36	C	B	01124
1190 2.	FEB 20	0656P	FR MIAMI	FL 305	871-9283	SM	4	1.10	JK70	06	C	B	01124
100 3.	FEB 22	0945P	TO MIAMI	FL 305	350-4617	DD	1	.31	J2	30	B	B	01021
NR 4.	FEB 22	0946P	TO MIAMI	FL 305	350-4617	DD	3	.77	J2	06	B	B	01021
NR 5.	FEB 25	0401P	TO CHARLESTON	WV 304	344-9651	DE	2	.66	J2	18	B	J	01021
NR 6.	FEB 25	0403P	TO KEY WEST	FL 305	296-8182	DE	3	.87	J2	30	B	B	01021
350 7.	FEB 25	1019P	TO MIAMI	FL 305	661-8021	DE	6	.94	J2	54	B	B	01021
NR 8.	FEB 26	0808P	FR ATLANTA	GA 404	349-5355	SE	8	3.86	J344	24	B	J	01124
225 9.	FEB 27	0849A	TO ATLANTA	GA 404	530-9015	DM	9	1.58	J2	12	B	J	01021
NR 10.	FEB 27	1151P	TO NORTH DADE	FL 305	621-3676	DM	2	.14	J2	42	B	B	01021
225 11.	FEB 27	1003P	FR CINCINN	OH 513	531-8669	SM	7	3.17	F203	18	B	J	01124
12.	FEB 28	927P	FR MIAMI	FL 305	871-9119	SE	3	1.20	JK70	00	C	B	01124
13.	MAR 1	835A	TO MIAMI	FL 305	350-4617	DD	1	.31	J2	54	B	B	01021
14.	MAR 1	947A	TO MIAMI	FL 305	350-4617	DD	6	1.46	J2	48	B	B	01021
15.	MAR 1	829P	FR TAMPA	FL 813	884-9048	SE	4	1.83	J4	54	B	J	01124
2090 16.	MAR 3	1140A	TO NORTH DADE	FL 305	625-6244	DD	2	.35	J2	12	B	B	01021

1897

RWS S-S,KX,M,B,B,N

BILLED LOCAL SERVICE 2090

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	A--TKT	ID--	D	B	S	RRMMT
13.	MAR 1	835AM	TO MIAMI	FL 305 350-4617	DD	1	.31	J2	54		B	B	01021
14.	MAR 1	947AM	TO MIAMI	FL 305 350-4617	DD	6	1.46	J2	48		B	B	01021
15.	MAR 1	829PM	FR TAMPA	FL 813 884-9048	SE	4	1.83	JM	54		J	B	01124
16.	MAR 3	1140AM	TO NORTH DADE	FL 305 625-6244	DD	2	.35	J2	12		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 03 19 82

ITEMIZED CALLS 305-733-1697 PAGE 0004 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	A--TKT	ID--	D	B	S	RRMMT
1.	MAR 3	227PM	TO NORTH DADE	FL 305 621-7636	DD	1	.23	J2	12		B	B	01021
2.	MAR 3	248PM	TO NORTH DADE	FL 305 621-3676	DD	3	.47	J2	18		B	B	01021
3.	MAR 4	911AM	TO MIAMI	FL 305 547-6021	DD	7	1.69	J2	48		B	B	01021
4.	MAR 4	937AM	TO MIAMI	FL 305 325-6367	DD	24	5.60	J2	24		B	B	01021
5.	MAR 4	1008AM	TO NORTH DADE	FL 305 625-6244	DD	2	.35	J2	42		B	B	01021
6.	MAR 4	337PM	TO NORTH DADE	FL 305 625-6244	DD	5	.71	J2	30		B	B	01021
7.	MAR 6	1200PM	TO NORTH DADE	FL 305 625-6244	DN	12	.62	J2	36		B	B	01021
8.	MAR 7	1009AM	TO MIAMI	FL 305 633-0906	DN	1	.12	J2	18		B	B	01021
9.	MAR 7	103PM	TO MIAMI	FL 305 661-8021	DN	1	.12	J2	36		B	B	01021
10.	MAR 8	727AM	TO NORTH DADE	FL 305 621-3676	DN	1	.09	J2	54		B	B	01021
11.	MAR 8	424PM	TO NORTH DADE	FL 305 621-3676	DD	4	.59	J2	06		B	B	01021
12.	MAR 10	533PM	TO MIAMI	FL 305 350-4617	DE	1	.20	J2	12		B	B	01021
13.	MAR 10	920PM	TO WINTERPARK	FL 305 862-4455	DE	1	.37	J2	30		B	B	01021
14.	MAR 11	628PM	TO NORTH DADE	FL 305 621-3676	DE	4	.38	J2	48		B	B	01021
15.	MAR 13	519PM	TO WINTERPARK	FL 305 862-4455	DN	1	.22	J2	36		B	B	01021
16.	MAR 13	744PM	TO WINTERPARK	FL 305 862-4455	DN	1	.22	J2	54		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 03 19 82

ITEMIZED CALLS 305-733-1697 PAGE 0005 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	A--TKT	ID--	D	B	S	RRMMT
1.	MAR 13	928PM	TO WINTERPARK	FL 305 862-4455	DN	1	.22	J2	36		B	B	01021
2.	MAR 14	809AM	TO WINTERPARK	FL 305 862-4455	DN	1	.22	J2	36		B	B	01021
3.	MAR 14	905AM	TO WINTERPARK	FL 305 862-4455	DN	1	.22	J2	36		B	B	01021
4.	MAR 14	952AM	TO NORTH DADE	FL 305 621-3676	DN	1	.09	J2	42		B	B	01021
5.	MAR 15	535PM	TO MIAMI	FL 305 350-4617	DE	1	.20	J2	18		B	B	01021
6.	MAR 16	337PM	TO MIAMI	FL 305 350-4617	DD	1	.31	J2	18		B	B	01021
7.	MAR 16	804PM	TO TAMPA	FL 813 961-7676	DE	2	.62	J2	18		B	B	01021
8.	MAR 18	403PM	TO MIAMI	FL 305 350-4617	DD	1	.32	J2	54		B	B	01021

KEY *-RATE APPLIED:
DD -DIAL DAY DE -DIAL EVENING
DN -DIAL NITE/WKEND SE -STATION EVENING
SN -STA NITE/WKEND

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 03 19 82

INTER 9.27 INTRA 19.33 TELE .00 TOT 33.64 IND-0
COIN ORIGINATED: INTER .00 INTRA 5.04

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD 1FR 02 19 82

PCS
LN WILLIAMS, P G
LA 2401 NW 43RD TER, LDHL

---BILL
BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRHL FL 33313
TAB 024
SOD 3E

---S&E
1 1FR
1 TTR
2 92MSX
2 95RSX
2 EXT
1 PRNST
1 CPERN/EN AD698J62191ALN-0.9B
1 DKMST/DES (A)12-27-79
1 RJ31X
1 TELST
VER M3T3
RWS 8-6,KE,M,B,B,N

ORDER ACTIVITY SINCE LAST RECORD
ORDER NUMBER COMPLETED SERIAL N
SAG CHANGE 02-08-82 SAG021905

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD 1FR 02 19 82

BILLED LOCAL SERVICE 2090

BILL DOI BO RAO DR BD HB
LIV 07-77 25 180 0

PB RA RB NT CC PPD
10313 414 86

CT TRT HIST RT TL
00 000000000000 00000

NAB RCK HIST PY PST
0 000000 02 22

DEP CIV ATTY SELF OUT OF HR PR
09-80 0381 OWN
MO 1/7 2/8 3/9 4/10 5/11 5/12
IC 48 58 43 67 20 18
IC 12 7 16 26 0
LU 0 0 0

PAY & ADJ
DATE T AMOUNT
0122 A 69.90
0204 A 81.32

TAX:F .69
CTY 2.09
BAL .00
TOT 71.33

NOR 4256244 MILDRED GRAHM

SE 20.90
IC 47.65
CR!CCG 71.33
CCG 2.78

ITEMIZED CALLS 305-733-1697 PAGE 0003 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER		MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	JAN 20	832PM	TO PERRINE	FL 305 232-2295	DE	11	2.09	J2	06		B	B	01021
2.	JAN 21	307PM	TO MIAMI	FL 305 350-9617	DD	3	.77	J2	30		B	B	01021
3.	JAN 21	849PM	TO PERRINE	FL 305 238-4337	DE	3	.59	J2	54		B	B	01021
4.	JAN 22	718AM	TO STUART	FL 305 283-9920	DN	6	.94	J2	18		B	B	01021
5.	JAN 22	750AM	TO MIAMI	FL 305 634-6229	DN	1	.12	J2	48		B	B	01021
6.	JAN 22	816AM	TO MIAMI	FL 305 350-9476	DD	1	.31	J2	54		B	B	01021
7.	JAN 25	709AM	TO PERRINE	FL 305 232-2295	DN	1	.14	J2	54		B	B	01021
8.	JAN 25	1011AM	TO ATLANTA	GA 404 688-5500	DD	1	.61	J2	36		B	J	01021
9.	JAN 25	1016AM	TO CHARLESTON	WV 304 344-9651	DD	1	.61	J2	48		B	J	01021
10.	JAN 25	1205PM	TO CHARLESTON	WV 304 344-9651	DD	7	3.13	J2	30		B	J	01021
11.	JAN 25	1212PM	TO ATLANTA	GA 404 688-5500	DD	4	1.87	J2	30		B	J	01021
12.	JAN 25	214PM	TO MIAMI	FL 305 350-9289	DD	2	.54	J2	30		B	B	01021
13.	JAN 25	613PM	TO MIAMI	FL 305 634-6229	DE	4	.65	J2	42		B	B	01021
14.	JAN 25	921PM	TO MIAMI	FL 305 758-5707	DE	5	.79	J2	30		B	B	01021
15.	JAN 25	925PM	TO NORTH DADE	FL 305 621-4609	DE	2	.22	J2	00		B	B	01021
16.	JAN 25	928PM	TO WASHINGTON	DC 202 484-6768	DE	2	.66	J2	12		B	J	01021

ITEMIZED CALLS 305-733-1697 PAGE 0004 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER		MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	JAN 25	1037PM	TO PERRINE	FL 305 232-2295	DE	8	1.50	J2	12		B	B	01021
2.	JAN 26	742AM	TO NORTH DADE	FL 305 625-6244	DN	1	.09	J2	42		B	B	01021
3.	JAN 26	742AM	TO MIAMI	FL 305 634-6229	DN	1	.12	J2	30		B	B	01021
4.	JAN 27	127PM	TO ATLANTA	GA 404 688-5500									
	3RD NUMBER FR FT LDL			FL 305 761-3188	SD	2	2.50	J241	36		B	J	01112
5.	JAN 27	129PM	TO CHARLESTON	WV 304 344-9651									
	3RD NUMBER FR FT LDL			FL 305 761-3188	SD	1	2.50	J241	54		B	J	01112
6.	JAN 27	428PM	TO WASHINGTON	DC 202 638-4040									
	3RD NUMBER FR FT LDL			FL 305 761-3188	SD	1	2.50	J242	36		B	J	01112
7.	JAN 28	918PM	TO MIAMI	FL 305 661-8021	DE	3	.50	J2	00		B	B	01021
8.	JAN 29	1124PM	TO NORTH DADE	FL 305 625-6244									
	3RD NUMBER FR FT LDL			FL 305 761-9754	SN	3	.88	J241	24		C	B	01122
9.	JAN 30	917AM	TO NORTH DADE	FL 305 625-6244	DN	7	.38	J2	18		B	B	01021
10.	JAN 30	924AM	TO MIAMI	FL 305 284-2329	DN	12	1.13	J2	48		B	B	01021
11.	JAN 30	1209PM	TO MIAMI	FL 305 324-5321	DN	1	.12	J2	24		B	B	01021
12.	JAN 30	1214PM	TO MIAMI	FL 305 324-3519	DN	1	.12	J2	12		B	B	01021

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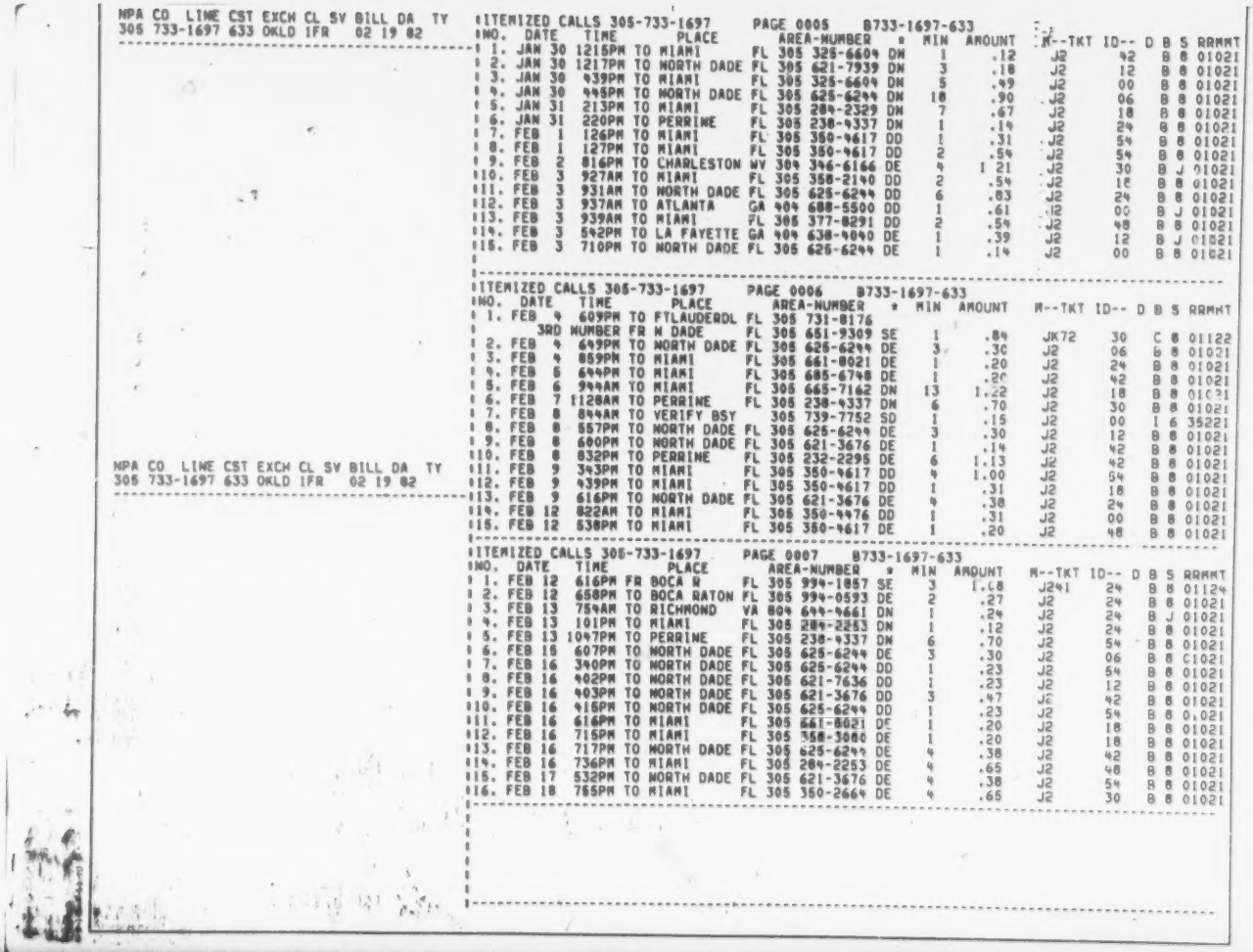

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305 733-1697 633 OKLD 1FR 02 19 82

ITEMIZED CALLS 305-733-1697 PAGE 0005 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	JAN 30	1215PM	TO MIAMI	FL 305 325-6604	DN	1	.12	J2	42		B	B	01021
2.	JAN 30	1217PM	TO NORTH DADE	FL 305 621-7939	DN	3	.18	J2	12		B	B	01021
3.	JAN 30	439PM	TO MIAMI	FL 305 325-6604	DN	5	.49	J2	00		B	B	01021
4.	JAN 30	445PM	TO NORTH DADE	FL 305 625-6244	DN	18	.90	J2	06		B	B	01021
5.	JAN 31	213PM	TO MIAMI	FL 305 284-2329	DN	7	.67	J2	18		B	B	01021
6.	JAN 31	220PM	TO PERRINE	FL 305 238-4337	DN	1	.14	J2	24		B	B	01021
7.	FEB 1	126PM	TO MIAMI	FL 305 350-9617	DD	1	.31	J2	54		B	B	01021
8.	FEB 1	127PM	TO MIAMI	FL 305 350-9617	DD	2	.54	J2	54		B	B	01021
9.	FEB 2	816PM	TO CHARLESTON	WV 304 346-6166	DE	4	1.21	J2	30		B	J	01021
10.	FEB 3	927AM	TO MIAMI	FL 305 358-2140	DD	2	.54	J2	18		B	B	01021
11.	FEB 3	931AM	TO NORTH DADE	FL 305 625-6244	DD	6	.83	J2	24		B	B	01021
12.	FEB 3	937AM	TO ATLANTA	GA 404 688-5500	DD	1	.61	J2	00		B	J	01021
13.	FEB 3	939AM	TO MIAMI	FL 305 377-8291	DD	2	.54	J2	48		B	B	01021
14.	FEB 3	542PM	TO LA FAYETTE	GA 404 638-4040	DE	1	.39	J2	12		B	J	01021
15.	FEB 3	710PM	TO NORTH DADE	FL 305 625-6244	DE	1	.14	J2	00		B	B	01021

ITEMIZED CALLS 305-733-1697 PAGE 0006 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	FEB 4	609PM	TO FTLAUDERDL	FL 305 731-8176									
	3RD NUMBER FR N DADE			FL 305 651-9309	SE	1	.84	JK72	30		C	B	01122
2.	FEB 4	649PM	TO NORTH DADE	FL 305 625-6244	DE	3	.30	J2	06		B	B	01021
3.	FEB 4	859PM	TO MIAMI	FL 305 661-8021	DE	1	.20	J2	24		B	B	01021
4.	FEB 5	644PM	TO MIAMI	FL 305 685-6748	DE	1	.20	J2	42		B	B	01021
5.	FEB 6	944AM	TO MIAMI	FL 305 665-7162	DN	13	1.22	J2	18		B	B	01021
6.	FEB 7	1128AM	TO PERRINE	FL 305 238-4337	DN	6	.70	J2	30		B	B	01021
7.	FEB 8	844AM	TO VERIFY BSY	305 739-7752	SD	1	.15	J2	00		I	6	35221
8.	FEB 8	557PM	TO NORTH DADE	FL 305 625-6244	DE	3	.30	J2	12		B	B	01021
9.	FEB 8	600PM	TO NORTH DADE	FL 305 621-3676	DE	1	.14	J2	42		B	B	01021
10.	FEB 8	832PM	TO PERRINE	FL 305 232-2295	DE	6	1.13	J2	42		B	B	01021
11.	FEB 9	343PM	TO MIAMI	FL 305 350-9617	DD	4	1.00	J2	54		B	B	01021
12.	FEB 9	439PM	TO MIAMI	FL 305 350-9617	DD	1	.31	J2	18		B	B	01021
13.	FEB 9	616PM	TO NORTH DADE	FL 305 621-3676	DE	4	.38	J2	24		B	B	01021
14.	FEB 12	822AM	TO MIAMI	FL 305 350-9476	DD	1	.31	J2	00		B	B	01021
15.	FEB 12	638PM	TO MIAMI	FL 305 350-9617	DE	1	.20	J2	48		B	B	01021

ITEMIZED CALLS 305-733-1697 PAGE 0007 B733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	M--TKT	ID--	D	B	S	RRMMT
1.	FEB 12	616PM	FR BOCA W	FL 305 994-1857	SE	3	1.68	J241	24		B	B	01124
2.	FEB 12	658PM	TO BOCA RATON	FL 305 994-0593	DE	2	.27	J2	24		B	B	01021
3.	FEB 13	754AM	TO RICHMOND	VA 804 644-4661	DN	1	.24	J2	24		B	J	01021
4.	FEB 13	101PM	TO MIAMI	FL 305 284-2253	DN	1	.12	J2	24		B	B	01021
5.	FEB 13	1047PM	TO PERRINE	FL 305 238-4337	DN	6	.70	J2	54		B	B	01021
6.	FEB 15	607PM	TO NORTH DADE	FL 305 625-6244	DE	3	.30	J2	06		B	B	01021
7.	FEB 16	340PM	TO NORTH DADE	FL 305 625-6244	DD	1	.23	J2	54		B	B	01021
8.	FEB 16	402PM	TO NORTH DADE	FL 305 621-7636	DD	1	.23	J2	12		B	B	01021
9.	FEB 16	403PM	TO NORTH DADE	FL 305 621-3676	DD	3	.47	J2	42		B	B	01021
10.	FEB 16	416PM	TO NORTH DADE	FL 305 625-6244	DD	1	.23	J2	54		B	B	01021
11.	FEB 16	614PM	TO MIAMI	FL 305 661-8021	DE	1	.20	J2	18		B	B	01021
12.	FEB 16	715PM	TO MIAMI	FL 305 358-3080	DE	1	.20	J2	18		B	B	01021
13.	FEB 16	717PM	TO NORTH DADE	FL 305 625-6244	DE	4	.38	J2	42		B	B	01021
14.	FEB 16	736PM	TO MIAMI	FL 305 284-2253	DE	4	.65	J2	48		B	B	01021
15.	FEB 17	532PM	TO NORTH DADE	FL 305 621-3676	DE	4	.38	J2	54		B	B	01021
16.	FEB 18	765PM	TO MIAMI	FL 305 350-2664	DE	4	.65	J2	30		B	B	01021

NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD 1FR 02 19 82

1900

2nd COPY

Southern Bell

Post Office Box 5567
6451 North Federal Highway - Suite 1001
Fort Lauderdale, Florida 33310
Phone (305) 492-3538

Date July 19, 1989

Dear A. L. Harvey ATTN: Lori Fields

Attached is the subscriber information * requested in your subpoena dated 7/10/89, reference Hastings Impeachment.

If this office can be of any further assistance, please advise.

Very truly yours,

Eunice Polloway
Asst. Staff Manager/
Custodian of Records

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 222

*374-9650 (305) is public coin (1PC); date of installation (DOI) was 12/69

EXHIBIT 222 HOUSE

page

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NLST (SPNL) U; S GOVERNMENT
     COURTHOUSE
LA   300 NE 1ST AV
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DDA  U S GOVT COURTHOUSE
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     MIAMI FL 33132
SIC  9396
---BILL
BN1  MIAMI FL PO-CTHS
BA2  GSA REG7 FINDIV 192X
BA3  P O BOX 85023
PO   DALLAS TX      75285
TAR  200,900
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NOTE:
  B 374 9650 844 CSRL 05-23-83      P00001/00002       1PC

BN1  GENERAL SVCS ADMIN    PB       RTA          TAX NNNN    ESA    CC B   *     LIV
BA2  FIN DIV-COLLECTIONS   RA       NF    TOL    TAR 200900 NOB    DEP
BA3  P O BOX 17203         RP       CT    DCR    CSN                DOI 1269 SC
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

RE:)
)
)
TELEPHONE CONFERENCE)
_____X

MAY 19, 1986
2:15 - 2:20 p.m.

BETWEEN JUDGE HASTINGS AND AGENT MAZZELLA

COURT REPORTER: Brenda J. Coleman

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 223

EXHIBIT
223
HOUSE

TELEPHONE CALL

FIRST RECEPTIONIST: FBI.

THE COURT: Agent Chris Mazzella, please.

THE RECEPTIONIST: One moment.

(PAUSE)

SECOND RECEPTIONIST: Mr. Mazzella's office?

THE COURT: Yes. This is Alcee Hastings, and I'm responding to Mr. Mazzella's call.

SECOND RECEPTIONIST: Hold on.

MR. MAZZELLA: Hello.

THE COURT: Mr. Mazzella?

MR. MAZZELLA: Yes.

THE COURT: This is Alcee Hastings. How are you?

MR. MAZZELLA: Hi, Judge, how are you doing?

THE COURT: I'm doing real good.

Let me say to you if you're calling me regarding something official, I wanted you to know that I do have my court reporter present and you're welcome to record this conversation.

MR. MAZZELLA: Thank you anyway. I won't be doing that. The reason -- I don't know how much -- is it Betty Williams?

THE COURT: That's my secretary.

MR. MAZZELLA: Yes, right. She -- I mentioned to her earlier I had a request from the Public Integrity

Section of the Department of Justice to give you a call and make a possible arrangement to sit down and talk to you about -- I don't know if you recall reading several articles that appeared in the Miami Herald, I guess probably in -- oh, gosh, I'm trying to recall the date. -- it seems to me it was, like, late March, wherein there was some statement or mention of the Kevin Gordon matter wherein there's apparently some mention in that, in that article about Gordon being apprised of, warned of the existence of a Title 3 involving him.

THE COURT: Um-hum.

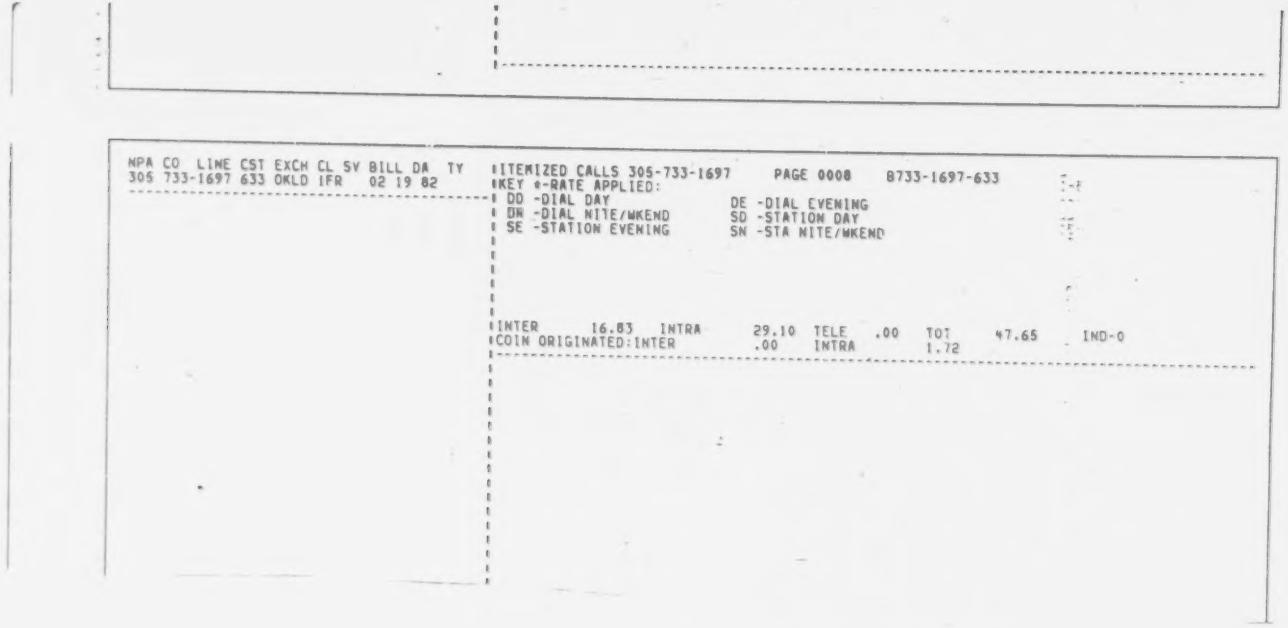
MR. MAZZELLA: And apparently, if I recall, the article indicated that Mayor Clark was supposed to have warned him of the existence of the Title 3.

THE COURT: Um-hum.

MR. MAZZELLA: And I -- I don't remember if you recall, but you were the supervising Judge on that T-3 involving the Gordon matter. And I, if I recall, there was some reference or mention to the fact that Gordon was made aware of this thing by Clark and that as a result the investigation was disclosed to Gordon about our case.

Public Integrity, you know, we supplied that information --

THE COURT: When you say "our case," were you the case agent on any wire tap before me?



NPA CO LINE CST EXCH CL SV BILL DA TY
305 733-1697 633 OKLD IFR 02 19 82

ITEMIZED CALLS 305-733-1697 PAGE 0008 8733-1697-633
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DN -DIAL NITE/WKEND SD -STATION DAY
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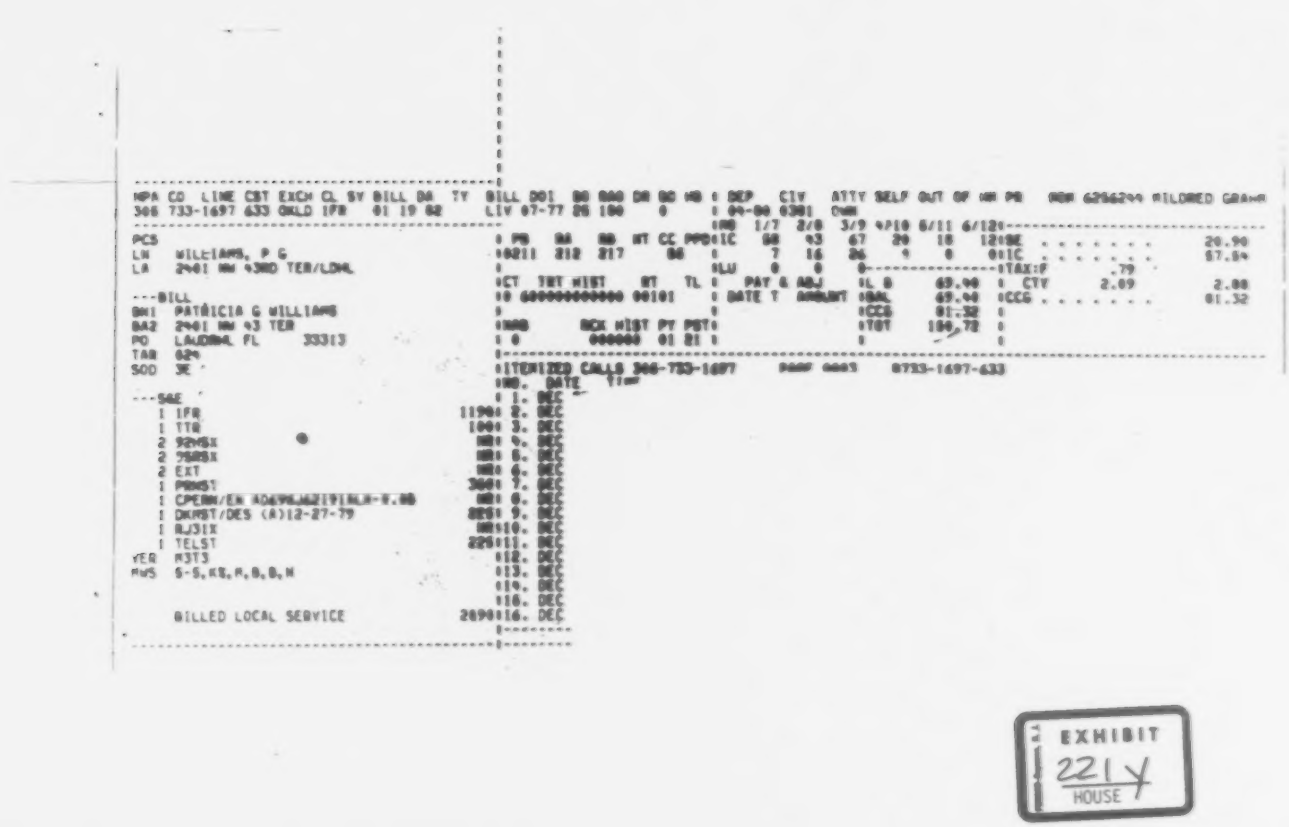

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BN1 PATRICIA G WILLIAMS
BA2 2401 NW 43 TER
PO LAUDRHL FL 33313
TAR 62M
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ITEMIZED CALLS 305-733-1697 PAGE 0005 0733-1697-633
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NPA CO LINE CST EXCH CL SV BILL DA TY
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ITEMIZED CALLS 305-733-1697 PAGE 0005 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	A--TKT	ID--	D	B	S	RRRRT
1.	DEC												
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12.	DEC												
13.	DEC	#1	[illegible] TO MIAMI	FL 305 [illegible]	DD	1	[illegible]	JX					
14.	JAN	4	320PM TO MIAMI	FL 305 386-4617	DD	3	.77	JX	30	B	B	01021	
15.	JAN	4	448PM TO MIAMI	FL 305 386-4617	DD	1	.31	JX	12	B	B	01021	
16.	JAN	4	700PM TO NORTH DADE	FL 305 625-6244	DE	1	.19	JX	54	B	B	01021	

ITEMIZED CALLS 305-733-1697 PAGE 0006 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	A--TKT	ID--	D	B	S	RRRRT
1.	JAN	6	316PM TO MIAMI	FL 305 373-6004	DD	6	1.23	JX	18	B	B	01021	
2.	JAN	6	321PM TO NORTH DADE	FL 305 625-6244	DD	3	.47	JX	36	B	B	01021	
3.	JAN	7	333PM TO MIAMI	FL 305 386-4617	DD	2	.64	JX	54	B	B	01021	
4.	JAN	7	948PM TO STUART	FL 305 283-9220	DE	2	.66	JX	12	B	B	01021	
5.	JAN	7	958PM TO PONTIAC	MI 313 332-1879	DE	11	3.27	JX	06	B	J	01021	
6.	JAN	8	943AM TO MIAMI	FL 305 386-4617	DD	1	.31	JX	54	B	B	01021	
7.	JAN	8	1040PM TO MIAMI	FL 305 386-4809	DD	7	1.69	JX	54	B	B	01021	
8.	JAN	8	1136PM TO MIAMI	FL 305 758-8707	DD	9	2.16	JX	30	B	B	01021	
9.	JAN	9	621PM TO MIAMI	FL 305 758-8707	DN	2	.21	JX	30	B	B	01021	
10.	JAN	9	626PM TO NORTH DADE	FL 305 681-8100	DN	2	.19	JX	24	B	B	01021	
11.	JAN	10	432PM TO MIAMI	FL 305 686-6748	DN	6	.49	JX	30	B	B	01021	
12.	JAN	10	447PM TO MIAMI	FL 305 663-8698	DN	2	.21	JX	06	B	B	01021	
13.	JAN	10	927PM TO PONTIAC	MI 313 332-1879	DE	9	1.27	JX	18	B	J	01021	
14.	JAN	10	951PM TO PERRINE	FL 305 238-9337	DE	4	.77	JX	30	B	B	01021	
15.	JAN	11	1029PM TO KEY WEST	FL 305 296-3600	DE	6	1.63	JX	12	B	B	01021	
16.	JAN	12	803PM TO MIAMI	FL 305 666-9686	DE	1	.20	JX	36	B	B	01021	

ITEMIZED CALLS 305-733-1697 PAGE 0006 8733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	A--TKT	ID--	D	B	S	RRRRT
1.	JAN	12	810PM TO KEY WEST	FL 305 296-3600	DE	1	.37	JX	30	B	B	01021	
2.	JAN	12	1026PM TO KEY WEST	FL 305 296-3600	DE	32	8.22	JX	48	B	B	01021	
3.	JAN	15	360PM TO NORTH DADE	FL 305 625-6244	DD	2	.36	JX	30	B	B	01021	
4.	JAN	15	412PM TO NORTH DADE	FL 305 625-6244	DD	2	.35	JX	12	B	B	01021	
5.	JAN	15	418PM TO MIAMI	FL 305 634-6229	DD	1	.31	JX	24	B	B	01021	
6.	JAN	15	719PM TO FTLAUDEROL	FL 305 731-8176									
		3RD	NUMBER FR MIAMI	FL 305 634-6229	SE	1	.90	JX30	18	B	B	01122	
7.	JAN	15	918PM TO MIAMI	FL 305 329-5333	DE	1	.20	JX	12	B	B	01021	
8.	JAN	15	918PM TO MIAMI	FL 305 329-5333	DE	1	.20	JX	06	B	B	01021	
9.	JAN	16	1209PM TO WASHINGTON	DC 202 864-7837	DN	26	4.44	JX	54	B	J	01021	
10.	JAN	16	634PM FR ORLAND	FL 305 426-2775	SW	10	2.33	JX40	36	B	B	01124	
11.	JAN	16	1100PM FR ORLAND	FL 305 426-2775	SW	1	.92	JX40	36	B	B	01124	
12.	JAN	17	241PM TO NORTH DADE	FL 305 621-7939	DN	1	.09	JX	12	B	B	01021	
13.	JAN	17	242PM TO NORTH DADE	FL 305 625-6244	DN	1	.09	JX	36	B	B	01021	
14.	JAN	18	334PM FR MIAMI	FL 305 329-5321	SD	2	1.24	JX73	42	B	B	01124	
15.	JAN	19	656AM TO MIAMI	FL 305 358-3080	DN	3	.30	JX	00	B	B	01021	

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ITEMIZED CALLS 305-733-1697 PAGE 0007 0733-1697-633

NO.	DATE	TIME	PLACE	AREA-NUMBER	*	MIN	AMOUNT	W--TAT	ID--	D	B	S	GRRRT
1.	JAN 19	8248AM	TO MIAMI	FL 305 358-9976	DD	1	.31	32	42	B	B	0	1021
2.	JAN 19	431PM	TO MIAMI	FL 305 358-9417	DD	1	.31	32	12	B	B	0	1021
3.	JAN 19	816PM	TO MIAMI	FL 305 760-8707	DE	1	.20	32	30	B	B	0	1021
4.	JAN 19	822PM	TO MIAMI	FL 305 667-1460	DE	2	.38	32	00	B	B	0	1021

RATE APPLIED:

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MR. MAZZELLA: Well, no. Jeff Santini. I don't know if you remember Jeff. He was the case agent. My function is I'm the supervisor.

THE COURT: All right.

MR. MAZZELLA: Of Jeff's.

THE COURT: All right.

MR. MAZZELLA: And that's how I got involved in this thing.

THE COURT: Um-hum.

MR. MAZZELLA: And so basically I referred all of this information to the Public Integrity Section. You know, as we would normally do in the course of any business -- inquiry of that nature. And their request of me was to contact you and see if you could spend some time, if you have some time available, sit down with us and go over any knowledge you might have of this matter.

THE COURT: Okay. Let me say this to you: Certainly I think you know and I know that the Public Integrity Section knows that it would be inappropriate for me to give you any information regarding any wire tap that I might have supervised or not have supervised. I think you know that and would agree, wouldn't you?

MR. MAZZELLA: Um-hum.

THE COURT: In that sense then, it is absolutely without my understanding as to how officially I could

relate to you or to the Public Integrity Section or anyone else, anything having to do with any Title 3 that I may or may not have been involved in at any given time. So I would that you would relate that to them and if they are desirous of speaking to with me, then I suggest that they may wish to do so under an appropriate aegis.

Are you investigating me?

MR. MAZZELLA: No. Oh, no.

THE COURT: Well --

MR. MAZZELLA: We're investigating the -- well, we're trying to get to the bottom of whether there was any disclosure, if there was, how did it happen.

THE COURT: I follow you. But, you see, it is sort of really a Catch 22. And I've had some experience along these lines, and I do know that if I was to be revelatory to you or the Public Integrity Section, that I would be violating the law. It's the exchange (phonetic) situation. But I think all of us would have to be authorized by the appropriate authorities in order for me to discuss something official like that. And in that sense, no, I don't -- I don't have any opportunity so that I can talk with you. I'm available to discuss with them anything as they are operating within the appropriate aegis?

MR. MAZZELLA: Okay.

THE COURT: All right.

MR. MAZZELLA: How about if I do this: Can I have the attorney up in D.C. give you a call?

THE COURT: I have no objection to that at all.

MR. MAZZELLA: Maybe y'all can work out how to --

THE COURT: That sounds good.

MR. MAZZELLA: All right. Let me give you his name, just in case --

THE COURT: All right.

MR. MAZZELLA: That way you have a record of it.

THE COURT: All right.

MR. MAZZELLA: His name is Eric Holder, H-o-l-d-e-r.

All right, sir. And I'll have him give you a holler. And if you can figure out a way of doing it, that would be great.

THE COURT: Thank you, Mr. Mazzella.

MR. MAZZELLA: Listen, I really appreciate you calling me back, Judge.

THE COURT: Bye-bye.

MR. MAZZELLA: Bye-bye.

(End of Telephone Call)

1913

United States Senate

EVIDENTIARY HEARINGS

HOUSE MANAGERS' EXHIBIT 224

Spi-Pal

BLUE HORSE

notebook

10½ In. x 8 In.
40 Sheets
Wide Marginal Ruled

EXHIBIT
224
HOUSE

05002 The Mead Corporation, Dayton, Ohio 45463 U.S.A.

9/10/85

Leon Kellner
Dick Gregorie
Larry Sharf
Jon Mann
Bob Martinez
Eric Holder

Bill Perry
Bob Mills
Chris Mazzella
Geoffrey Cantim

Clark ran into federal judge
at MAPP meeting before Friday
judge said, "know Woxy?"
judge said: tell Woxy

Chief Goldbold 9/11/05 4:30 p.m.
w/ ~~Judge Jay~~

(~~2~~) not file >recommended by CG.

(1) late filing may not precondt later use

(2) if called upon to file by DJ file redacted copy

(3) momentr, file full report + tape with Chief Judge, King
- w/ copy ltr
- under §2518
- first on notice that DOJ will be witness re chain of custody

Judge Jay

(1) file redacted tape + rept. w/ DJ.

(3) soon as done

*We have not mentioned Judge's name

9/14/86 5:30p.m.

Jean Kathmer
Larry Clark
Doug Mayer
Bob Martinez
John Campbell
Eric Holder

Joe Corkery
Chris Mazella
Geffrey Santini
Walter
John Kelly

Kelly: "I can get TIII through. He'll sign one (1) back."

Kelly: "no delay to read conv. w/ Clark"

no extension of TIII
can't file redacted copy w/o filing complete w/ some judge (try first)
NBV would go through

9/12/17

L.E.
Dick Gregorie
Linden Hart
Eric Holder
John Campbell
Bill Hendricks — long distance

Bill will talk to other
members of Dept. if need arises
to go to Supreme Court

9/12/85

Judge King
L.K.
Eric Holder
John Campbell

L.K. gave modular explanation

L.K. "no known biases"

C.J. suggested to record why to make record

Recording rules
- practice recording maintained by CJ
- CJ also made subsequent recording
- Recording made
  - interrupted by P.C. to ladies first
  - Godbold will call at 12.

9-12-85
3:35 p.m.

Gave to Betty to take to Judge

Judge appear to read it

Summoned me to lunch
(MT followed)

J said, "I see where you are going. I hope good w/ the "cops". Will you want an extension?

"No." FJ will agree a Sat.

Judge cont'd - fine - that's fine

When will I see you again

RT "Monday w/ final OA"
That's fine w/ BUR

Cont. Copy for file

Deputy Solicitor General Fry.
Deputy Chief of P.I Hendricks

keep off misrep to minimum
but if asked questions the
truthful answer would disclose
the existence of the investigation
the task of Clark to do:
file to the minimum extent
possible. Although regrettably, unavoidable
to do the upon facts.

September 13-1985

L. Kellner
M. Schapp
R. Martinez
John Campbell
Eric Holder
Chris Mazella
L. a. S. + J.T.

9-15-95 12:15
(off-cd)

Presented Court the
Original Package w/ M.S.

1st + 2d + 3d Report on C.T

1st & 2d Report I brought to
Court's attention "new crimes"

1-3 served in Chambers

Recall that on 2d Report
I went w/ Jon May. I asked
Court to advise me when he
had gotten to pg 13 re new
crimes, Ct had to backtrack
he had already gone beyond it.
Rept read & sign by Ct
very quickly. (maybe ≈ 3 minutes)
Some thing in 1st rept.
I didn't take 4 or 5th Rpt
to Court as I was in NYC.
left on 9/11 at 12:30 thereon
I prepared 4th Rpt & Extension
papers on 9/10 and left the
fax to Rox to finish typing &
walk thru. I took affi. personally

to D.C to Maureen at Fred Hess' office

I rpt on Ext left at ALH chambers on 8/22 at ≈ 3 p.m. due to judge's conference. I received message that rpt had been signed. I did not pick it up until following week when I delivered 2 rpts.

2 rpt delivered to judge in Ct between sentencing (I believe the Δ who was being sentenced was G. Kahoe's Δ in a bank robbery w/ bomb case). Judge took report, read it at bench. Then from bench asked me to go to Chambers. In Chambers he said to me as he was sitting down behind his desk and looking at other papers: "Pretty Heavy Stuff."

I said, "do you mean Mayor Clark?"

Judge stated: "Uh-hum", w/o looking up.

I was delighted that ~~Hall~~ was showing an interest in the case. I stated essentially that Clark was not a target of the investigation but that he was being introduced to CS as a contact into Hialeah councilman Cardoso, who according to WAXY would have to be takin' care to obtain zoning & license changes.

Judge Hastings stated essentially that he had heard that there were some corrupt Hispanic or Spanish politicians in the area that do "these things". His honor asked me if Hispanic or Spanish was the accurate term & I said Cuban. We briefly spoke about the proper

nomenclature for Spanish surnamed individuals (i.e. Hispanics, Latins, etc...)

I then explained to Judge Hastings that we had intelligence info. & evidence about corrupt Latin politicians in Miami. That we had an investigation of that problem — that it wasn't very productive & that we (USAtty & FBI) had decided to target the problem of Miami corruption using WAXY, who appeared to be well connected & who claimed ~~to be able to~~ that he had made illegal influence pmts in the past & would do so for Johnny Rivero & Gus (Machon). Clark had walked into the picture when WAXY introduced him to J.R.

Judge Hastings then made a comment that Clark better be careful that he could get in trouble hanging around WAXY.

On 9/5 I took 3d Rpt to Ct. While Ct was in Courtroom. His Honor stopped what he was doing to deal with my matter. It was 3 p.m. — my appointment was at 4:30, but his Honor very kindly took me earlier. He read the report in the lunch Called me to Lunch — he gave me back the signed Rept + he asked me if there was anything else I should tell him. I said no everything was in the rpt I also told him would be expiring in app. ten days & not extending. + III. He wished me good luck + I walked away.

Wear dirk in his own case (thanks freak prosecutor)

Judge King's Home 9/15 — 2:30

M Schl
R M
J. King

re: advice J. King re all facts
in trust and Salary Held fully
redacted Statement

9/16

2:30

Proposed redacted 5th Report of a sealed envelope w/ Betty

9/17

3:00

Tape Sealing - in Office
Betty present
Marilyn in her office

Friendly talk

J.H. - "It be something if I
ended up w/ this
case"

No conversation re: substance
T-IV

Also present: George Hostetter
Ed Richardson
Ed Lenz
Wayne Russell

9/19

L.K.
R. 17.
Larry Schmitt
Bill Perry
John Campbell
Eric Holder
Tamara

9/23

Presented J. Kay
w/ Final 5th Rpt &
Red Rpt

— Sealed

Opened &
placed along w/ 5th Rpt
& Redacted Rpt in
Sealed Fl

12/6/85

saw J. King:

asked King to sign a different order application for inventory extension than that to be submitted to J. Hastings. My reasons were two-fold: (1) the application contained the full reasons for the extension (i.e.) undercover meeting w/ NBV & other undercover work & (2) the uncertainty as to whether Mtt's prior disclosure (if shown to be his fault) to Clark nullified any subsequent legal acts by him thus rendering those legal acts void.

J. King understood & appreciated my concerns; however he stated that he was reluctant to sign the order for the following reasons: although he accepted the 4th & 5th Progress Reports he that for the reason that the unredacted reports contained information which could not be presented to Mtt since it contained conversations as

or back-stop.

to the heat coming from Hill & because the prosecutor needed to present that matter to a supervising judge since it contained "other crimes evidence". J. King felt that under the above mentioned circumstances he was obligated, as the Chief Judge, to handle our problem. However, he was reluctant to do anything further unless it was absolutely necessary. His primary concern was that he did not want to be in a position to "investigate" Hill as a judge who was called in to monitor the grand jury. He said that if we needed a judge Stafford for the N.D. J. King also stated that his review of the documents that I was planning to present Hill on the inventory extension did not reveal that they were misleading and that this review would act as a hedge against any allegations of voidness since he agreed that the extension should be granted & would sign the order if absolutely necessary. I told him I would contact IRS and get back in touch if they felt otherwise.

12/11/85

9:15

meeting w/ Judge Alff w/ Myles Malman

presented application for extension & order, which were signed J. Alff asked me two Q's:

H: what do we have here?

DM: appl. for extension of inventory -reading document-

H: learn from extn?

DM: pursuing ~~not~~ underwater mortgage

H OK.

Alff spoke w/ DM throughout about pending case(s).

2/21 p.c. 3:50

w/ Marilyn
I advised her that letter w/ applications & order were being hand-delivered by Vol (High School clerk) That documents were under seal & that I needed cert. copies of all originals To call me back when read-y.

2/26 p.c. 10:21

Marilyn
— sending it back w/ instructions.

3/6 p.c. 9:23
Marilyn
- sending new order, I screwed up, " in fill name:
- will send messenger

3/6 P. M. [illegible] a.m.
Pleas. yrs

- sent young lady, will wait for cert copy

- important that it be signed before noon

- young lady will stay

" Sun-c"

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 225

EXHIBIT 225 HOUSE

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/13/86

ROBERTO MARTINEZ, Assistant United States Attorney (AUSA), Public Corruption Section, UNITED STATES ATTORNEY'S OFFICE (USA'S), Miami, Florida, was made aware of the identity of the interviewing Agents as well as the purpose of the interview. MARTINEZ furnished the following information:

MARTINEZ advised that after he learned about the September 10, 1985, interception of the telephone call between KEVIN GORDON and RICHARD BONEHILL, he maintained an individual diary of all his contacts with United States District Court Judge ALCEE HASTINGS concerning a Title III wire tap concerning the INTERNATIONAL LONGSHOREMEN'S ASSOCIATION (ILA).

MARTINEZ advised that on July 15, 1985, he went to see Judge ALCEE HASTINGS with AUSA MARK SCHNAPP and Special Agent GEOFFREY C. SANTINI, FEDERAL BUREAU OF INVESTIGATION (FBI), Miami, Florida, at approximately 10:55 a.m. concerning the signing of the order and related papers to the Title III on the LONGSHOREMEN'S Union. MARTINEZ stated he believes that he gave Judge HASTINGS a copy of the affidavit to read a couple days prior to July 15, 1985, to read over the weekend. MARTINEZ said that at the July 15, 1985, meeting Judge HASTINGS expressed his concern about the minimization of the City of Surfside phones. MARTINEZ stated that he assured Judge HASTINGS that all efforts would be made to insure proper minimization of these phones.

MARTINEZ advised that the next time he saw Judge ALCEE HASTINGS was on July 22, 1985, in Judge HASTINGS' chambers regarding the first progress report dated July 22, 1985. MARTINEZ believes he met with Judge HASTINGS at 4:30 p.m., as his appointment calendar indicated he was scheduled to see Judge HASTINGS at that time. MARTINEZ was alone at this time and he stated that Judge HASTINGS read the sixteen page report and can't recall any specific comments that Judge HASTINGS made concerning this report. MARTINEZ stated that this report was a lengthy report and that he advised Judge HASTINGS that the report contained intercepts concerning other crimes. MARTINEZ said that it took Judge HASTINGS approximately three minutes to read

3/11/86 Miami, Florida MM 195A-22 SUB-

Investigation on File #

SAs R. GUY MINOLI &
FRANK NAVAS JR. RGN/crd 3/11/86

By Date dictated

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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FD-302a (Rev. 11-15-83)

MM 195A-22

Continuation of FD-302 of ROBERTO MARTINEZ On 3/11/86 Page 2

the entire sixteen page report.

MARTINEZ said that the next time he saw Judge ALCEE HASTINGS was on July 29, 1985, concerning the submission of the second progress report dated July 29, 1985. At that time he went to see Judge HASTINGS with AUSA JON MAY. MARTINEZ advised that this second progress report was twenty-five pages long. MARTINEZ stated that he asked Judge HASTINGS to advise him when he got to page thirteen of the report. MARTINEZ said that he remembers that Judge HASTINGS had to back track from where he was to page thirteen. MARTINEZ said the reason he wanted Judge HASTINGS to let him know when he (HASTINGS) got to page thirteen was because the footnote on page thirteen referred to some other crimes. Judge HASTINGS reviewed page thirteen, but made no comments concerning it. MARTINEZ stated that Judge HASTINGS read this progress report of twenty-five pages in approximately three minutes.

MARTINEZ advised that the third time he saw Judge HASTINGS was on August 5, 1985, when he submitted the third progress report dated August 5, 1985. MARTINEZ said his appointment calendar showed no time listed to see Judge HASTINGS. MARTINEZ said that the progess report does not reflect additional new crimes and consisted of fifteen pages. There were no comments made by Judge HASTINGS concerning this progress report.

MARTINEZ advised that the fourth and fifth progress report dated August 13, 1985 and August 15, 1985, respectively were taken to Judge HASTINGS by AUSA JON MAY. MARTINEZ further advised that the extention affidavit for the Title III was presented to Judge HASTINGS by AUSA JON MAY on August 15, 1985, requesting court authorization for an additional 30 days extention.

MARTINEZ advised that he left off the first progress report for the extention dated August 22, 1985, at Judge HASTINGS' chambers on August 22, 1985, at approximately 3:00 p.m. MARTINEZ stated that he received a call later that day indicating that it was signed by Judge HASTINGS, but did not pick up the progress report until the following week on August 29, 1985.

MARTINEZ said that the second progess report for the extention, dated August 29, 1985, was delivered to Judge HASTINGS in his courtroom on August 29, 1985. MARTINEZ said that Judge HASTINGS was in between sentencing at this time and he read the progess report from the bench. After reading it, he asked MARTINEZ to see him in his chambers. MARTINEZ said this progess report consisted of eight pages. Judge HASTINGS began looking

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MM 195A-22

Continuation of FD-302 of ROBERTO MARTINEZ On 3/11/86 Page 3

at some other papers and stated "pretty heavy stuff." As MARTINEZ walked into the chambers, Judge HASTINGS simultaneously entered the chambers from the direction of the courtroom and sat down at his desk. MARTINEZ asked "do you mean Mayor CLARK? HASTINGS stated "uh hum" and did not look up from reading the other papers. MARTINEZ told Judge HASTINGS that CLARK was not not target of the investigation, that CLARK was being introduced to the confidential source as a contact into Hialeah Councilman SILVIO CARDOSO, who according to GORDON, would have to be taken care of to obtain zoning and licensing changes. MARTINEZ stated that Judge HASTINGS made the comment that he (HASTINGS) had heard that there were some corrupt Hispanic or Spanish politicians in the area that do these things. MARTINEZ further advised that HASTINGS asked MARTINEZ if Hispanic or Spanish was the right term to use. MARTINEZ stated "Cubans." They both talked briefly about whether Hispanic or Spanish was the proper ethnic term.

MARTINEZ then explained to Judge HASTINGS that the USA'S Office and the FBI had intelligence information and evidence about corruption in politics in Hialeah. MARTINEZ told Judge HASTINGS that the FBI had an investigation into that problem which was thus far unproductive. He told Judge HASTINGS that the USA's Office and the FBI had decided to target the problem of Hialeah corruption using WAXY, who appeared to be well connected and who claimed that he had made illegal influence payments in the past, and would do so for the confidential source and GINO, in connection with the "PHOTON" undercover project. MARTINEZ told Judge HASTINGS that Mayor CLARK "walked into the picture when WAXY introduced him to JOHNNY RIVERO." Judge HASTINGS stated that "CLARK better be careful because he could get in trouble hanging around WAXY."

MARTINEZ stated that the next meeting was on September 5, 1985, when he submitted the third progess report dated September 5, 1985, which took place in Judge HASTINGS' courtroom. MARTINEZ stated that Judge HASTINGS stopped what he was doing, namely conducting a voir-dire. It was approximately 3:00 p.m., when this meeting took place. MARTINEZ stated that even though his appointment was for 4:30 p.m., Judge HASTINGS took the matter at that time. MARTINEZ stated that Judge HASTINGS read this report on the bench and called MARTINEZ to the bench to give him back the signed report and asked MARTINEZ if he had anything to tell him. MARTINEZ stated to Judge HASTINGS "no, everything is in the report. The wiretap is expiring in approximately ten days and we will not be extending it." Judge HASTINGS said "good luck."

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FD-302a Rev. (11-15-83)

MM 194C-322

Continuation of FD-302 of ROBERTO MARTINEZ On 3/11/86 Page 4

MARTINEZ stated that the next meeting with Judge HASTINGS was on September 12, 1985, at approximately 3:35 p.m., when he went to the courtroom with AUSA MYLES MALMAN. MARTINEZ stated that he gave the fourth progress report dated September 12, 1985, to the courtroom clerk, who in turn gave it to Judge HASTINGS. MARTINEZ stated that Judge HASTINGS called him to the bench and he went forward with AUSA MYLES MALMAN following.

MARTINEZ stated that Judge HASTINGS said, "I see where you are going. It looks good with the ludes. Will you want an extention." MARTINEZ said "No, its not necessary, we are dealing directly. It will expire on Saturday." HASTINGS stated "Fine, that's fine, when will I see you again." MARTINEZ stated "On Monday, with the final report." HASTINGS stated "that's fine BOB."

MARTINEZ stated that the next meeting occurred on September 16, 1985, at approximately 2:30 p.m., when he dropped off the final progress report dated September 16, 1985, in a sealed envelope with BETTY WILLIAMS at Judge HASTINGS office. MARTINEZ stated on September 17, he saw Judge HASTINGS at approximately 3:00 p.m. for the sealing of the Title III tapes in Judge HASTINGS' office. MARTINEZ stated that present at this sealing were HASTINGS' secretary, BETTY WILLIAMS, MARILYN CLARK, the courtroom clerk, SAs GEORGE W. HOSTETTER, ED J. RICHARDSON, WAYNE L. RUSSELL and EDWARD P. LEON. MARTINEZ stated that there was no conversation concerning any substance concerning the wiretap, but that Judge HASTINGS said "It would be something if I ended up with this case."

MARTINEZ stated that on December 11, 1985, he went with AUSA MYLES MALMAN to see Judge HASTINGS with an application to postponed notice of inventories regarding the Title III. MARTINEZ stated that HASTINGS asked two questions concerning this matter, one being "what do we have here?" MARTINEZ stated "application for extention of inventory." MARTINEZ stated that at this time Judge HASTINGS read the document and stated "What's the reason for the extention?" MARTINEZ stated "pursuing undercover meetings." HASTINGS stated "o'kay" and signed the order.

MARTINEZ stated that since that time he has not had any additional direct conversations with Judge HASTINGS.

Mayor Clark References

Affidavit (4/25) p. 23 fn. 7

#2 PR (7/29) (7/16) p. 13 fn. 3

#4 PR (8/12) (8/6) pp. 9-10 fn. 1
signed 8/13

#1 PR² (8/22) (8/24) p. 8 fn. 1

#2 PR² (8/29) (8/22) pp. 2-4 fn. 1

#3 PR² (9/5) (8/29) p. 3 #8
p. 5 #15
p. 7 fn. 2

→ Affidavit #2

7/16 p. 36 fn. 9
8/6 p. 62 fn. 13
p. 63 fn. 13

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 226

EXHIBIT
226
HOUSE

MR. REED: PEARL DABREAU, D-A-B-R-E-A-U, MAPP, M-A-P-P.

JUDGE JOHNSON: THANK YOU.

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

YOU DO SOLEMNLY SWEAR THE TESTIMONY YOU ARE ABOUT TO GIVE SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

THE WITNESS: I DO.

THE CLERK: BE SEATED, PLEASE, AND STATE YOUR FULL NAME FOR THE RECORD.

THE WITNESS: PEARL DABREAU MAPP.

JUDGE GODBOLD: MS. MAPP, BEFORE YOUR TESTIMONY BEGINS, THE COMMITTEE CALLS TO YOUR ATTENTION THAT UNDER FEDERAL LAW THESE PROCEEDINGS HERE TODAY ARE CONFIDENTIAL.

THE WITNESS: OKAY.

JUDGE GODBOLD: I AM READING YOU FROM THE APPROPRIATE PROVISION OF THE UNITED STATES CODE. "ALL PAPERS, DOCUMENTS AND RECORDS OF PROCEEDINGS RELATED TO INVESTIGATIONS CONDUCTED UNDER THIS SUBSECTION," AND THIS IS SUCH AN INVESTIGATION, "SHALL BE CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY ANY PERSON IN ANY PROCEEDING."

THE WITNESS: OKAY.

JUDGE GODBOLD: MR. WEBB

PEARL DABREAU MAPP,

United States Senate
EVIDENTIARY HEARINGS
HOUSE MANAGERS' EXHIBIT 227

CALLED AS A WITNESS, BEING FIRST DULY SWORN, TESTIFIED AS AS FOLLOWS:

DIRECT EXAMINATION

BY MR. WEED:

Q. MS. HAPP -- HAPP IS YOUR MARRIED NAME?

A. THAT'S CORRECT.

Q. AND 1981, WERE YOU MARRIED?

A. NOT AT THE TIME, NO.

Q. I'M SORRY. YOU HAVE TO SPEAK UP.

A. NO. I WAS NOT MARRIED IN '81.

Q. SO IN 1981, YOU WENT BY PEARL DABREAU?

A. THAT'S CORRECT.

Q. WHERE DO YOU CURRENTLY RESIDE, MS. HAPP?

A. 6469 OAK SHORE DRIVE, PANAMA CITY, FLORIDA.

Q. HOW LONG HAVE YOU RESIDED THERE?

A. AS OF JULY, 1985.

Q. PRIOR TO THAT TIME, AND IN PARTICULAR IN THE YEAR 1981, WHERE DID YOU RESIDE?

A. 6817 GEORGIA AVENUE, NORTHWEST, WASHINGTON, D. C.

Q. AND THAT WAS YOUR RESIDENCE IN THE PERIOD JUNE THROUGH OCTOBER, 1981?

A. YES.

Q. DID YOU IN THAT TIME PERIOD, 1981, MEET JUDGE ALCEE HASTINGS?

A. YES. ON MY WAY BACK FROM TRINIDAD ONE -- WELL, I

GUESS IF YOU SAID IT'S '81, THEN IT'S 1981.

Q. YOU ARE A NATIVE OF TRINIDAD?

A. YES, I AM.

Q. WILL YOU DESCRIBE FOR THE COMMITTEE THE CIRCUMSTANCES UNDER WHICH YOU FIRST MET JUDGE HASTINGS?

A. I WAS ON MY WAY BACK FROM TRINIDAD. I DON'T KNOW IF YOU ARE FAMILIAR. GO NATIONAL, MIAMI TO PORT-OF-SPAIN, BACK IN THE SAME DIRECTION, AND I DID MEET JUDGE HASTINGS ON THE PLANE. HE CAME ON BOARD IN MIAMI. SO I WAS BACK FROM PORT-OF-SPAIN, MIAMI TO NATIONAL AIRPORT IN WASHINGTON.

Q. DO YOU RECALL WHEN YOU MET JUDGE HASTINGS ON THIS FLIGHT?

A. WELL, TO GIVE YOU A DATE, I REALLY COULDN'T. I USUALLY WOULD GO HOME EITHER CARNIVAL OR EASTER. THAT YEAR, WHETHER I WENT HOME FOR EASTER OR CARNIVAL, I'M NOT SURE, BUT IT WAS FROM, YOU KNOW --

JUDGE TJOFLAT: WHEN IS CARNIVAL?

THE WITNESS: IT'S USUALLY THE MONDAY AND TUESDAY BEFORE ASH WEDNESDAY, SO IT'S ALWAYS -- YOU KNOW, IT'S NOT ALWAYS A SET DATE, BUT IT'S ALWAYS THE MONDAY AND TUESDAY BEFORE ASH WEDNESDAY.

BY MR. WEBB:

Q. SOMETIME IN APRIL?

A. WELL, THAT'S IF I HAD COME HOME FOR EASTER, SO THAT YEAR I'M NOT SURE WHETHER I WENT HOME FOR FEBRUARY OR EASTER.

I'M NOT SURE.

Q. DO YOU RECALL IN EARLY 1983 BEING INTERVIEWED BY AN AGENT OF THE FEDERAL BUREAU OF INVESTIGATION?

A. YES.

Q. MR. MURPHY?

A. WELL, THAT'S WHAT I TRIED TO TELL HIM WHEN HE INTERVIEWED ME THE OTHER DAY, AND HE DENIED THAT THEY HAD ANY RECORD OF EVER INTERVIEWING ME FOR ANYTHING. SO I DON'T SEE WHY I SHOULD MENTION THAT NOW, BECAUSE IN FRONT OF MY ATTORNEY WE TRIED TO POINT OUT TO HIM THAT ONCE BEFORE SOMEONE DID TALK TO ME, AND HE DENIED IN FRONT OF MY ATTORNEY HAVING ANY RECORD OF EVER TALKING TO ME.

Q. WHO IS "HE?"

A. THE SAME PERSON YOU JUST REFERRED TO. YOU MENTIONED -- YOU ARE TALKING ABOUT MR. MURPHY, '83? THAT'S WHAT YOU JUST SAID, RIGHT?

Q. I ASKED YOU IF YOU WERE INTERVIEWED IN 1983 BY AN AGENT OF THE F.B.I.

A. THAT'S WHAT I'M SAYING. ONE DID TALK TO ME -- OKAY, THEY LOCATED ME SOME KIND OF WAY AND CAME ON MY JOB. I WAS NOT THERE AT THE TIME. THEY LEFT A CARD. I CONTACTED THEM. WE DID TALK OVER THE PHONE. THEY NEVER, YOU KNOW, INTERVIEWED ME IN PERSON, BUT I DID TALK TO ONE OF THEM OVER THE PHONE.

Q. AND WAS THAT MR. MURPHY WITH WHOM YOU SPOKE?

A. THE THING -- I COULD NOT REMEMBER A NAME, BUT I DO KNOW SOMEONE SPOKE TO ME, BUT I COULD NOT -- BUT HE SAID HE NEVER INTERVIEWED ME IN FRONT OF MY ATTORNEY, SO IT CAN'T BE MR. MURPHY THEN.

Q. WHEN DID THIS CONVERSATION TAKE PLACE IN FRONT OF YOUR ATTORNEY?

A. THE DAY HE SERVED ME THE SUBPOENA WHICH WAS -- WHAT'S TODAY? SO IT HAD TO BE ABOUT WEDNESDAY OR THURSDAY OF LAST WEEK.

Q. OF LAST WEEK?

A. UH-HUH.

Q. AND IT WAS THE F.B.I. AGENT THAT SERVED YOU THE SUBPOENA?

A. RIGHT.

Q. DO YOU RECALL THE NAME OF THAT AGENT?

A. WELL, YOU SAID MR. MURPHY IS THE SAME PERSON THAT INTERVIEWED US. MY ATTORNEY KEPT THE CARD, SO I DON'T HAVE, YOU KNOW --

Q. IF I MISLED YOU, I DIDN'T MEAN TO SUGGEST THAT MR. MURPHY WAS THE SAME PERSON THAT SERVED YOU THE SUBPOENA. I WAS JUST ASKING YOU IF IN 1983 MR. MURPHY INTERVIEWED YOU.

A. OKAY, I COULDN'T TELL YOU IF IT WAS MR. MURPHY.

JUDGE GODBOLD: LET'S DO THIS, MS. KAPP, BECAUSE WHAT WE ARE TRYING TO DO IS FIND OUT WHAT HAPPENED. WE ARE NOT TRYING TO GET BOUND UP IN THE DETAILS OF IT.

IF YOU TALKED WITH AN AGENT BEFORE THE CONVERSATION RECENTLY, JUST TELL US WHAT WAS SAID.

THE WITNESS: OKAY. BASICALLY WHAT HE ASKED ME, HE DIDN'T GO INTO DETAIL AS THIS LAST INTERVIEW. ALL HE ASKED ME WAS, HAD I KNOWN JUDGE HASTINGS, HOW I MET HIM AND WHERE I MET HIM, AND THAT WAS BASICALLY ALL HE HAD ASKED ME OVER THE PHONE.

BY MR. WEBB:

Q. THE REASON I WAS ASKING YOU ABOUT THE INTERVIEW, I HAVE SOME NOTES WHICH I HAVE MARKED AS IC EXHIBIT 2343, AND THESE REFLECT IT'S AN INTERVIEW, A CONVERSATION WITH PEARL AND MARGARET ON JANUARY 29TH, 1983.

THE FIRST REFERENCE ON THE NOTES WHICH I WILL SHOW YOU IS APRIL 16TH AND 17TH, 1981.

JUDGE GODBOLD: AS BEING THE TRAVEL DATE?

MR. WEBB: WELL, THAT'S WHAT I DON'T KNOW. I WONDERED IF THAT WOULD ASSIST YOU, MS. HAPP, IN TERMS OF DID YOU TELL AN AGENT IN 1983 THAT THE TRAVEL DATE WHEN YOU MET JUDGE HASTINGS WAS APRIL 16TH AND 17TH, 1981, THEREABOUTS.

THE WITNESS: IF THAT WAS EASTER THAT YEAR, THEN IT COULD POSSIBLY HAVE BEEN.

BY MR. WEBB:

Q. AND WILL YOU DESCRIBE THE FLIGHT WHERE YOU MET JUDGE HASTINGS, WHAT HAPPENED?

A. I WAS JUST SITTING LIKE I NORMALLY SIT ON ANY OTHER

FLIGHT, AND I SUFFER WITH SINUSES, AND I STARTED TO COUGH A LITTLE.

HE JUST ASKED ME IF I WANTED A CERTS OR SOMETHING TO THAT EFFECT, AND THAT'S HOW WE STARTED TALKING.

Q. HE OFFERED YOU SOME COUGH DROPS?

A. COUGH DROPS.

Q. SOMETHING LIKE THAT?

A. SOMETHING TO THAT EFFECT, YEAH.

Q. ON THIS FLIGHT WHERE YOU FIRST MET JUDGE HASTINGS, WERE YOU TRAVELING WITH ANYONE?

A. NO, I WAS NOT.

JUDGE TJOFLAT: WERE YOU SITTING SIDE BY SIDE?

THE WITNESS: WITH JUDGE HASTINGS?

JUDGE TJOFLAT: YES.

THE WITNESS: YES.

BY MR. WEDD:

Q. DID YOU INTRODUCE JUDGE HASTINGS TO ANYONE AT THE NATIONAL AIRPORT UPON YOUR ARRIVAL?

A. MY BOYFRIEND AT THAT TIME, YES.

Q. AND YOU DID ARRIVE AT NATIONAL AIRPORT?

A. YES, I DID.

Q. THEREFTER, DID YOU SEE JUDGE HASTINGS AGAIN?

A. YES. ON TWO OCCASIONS AFTER THAT.

Q. WOULD YOU TELL THE COMMITTEE WHEN THOSE TWO OCCASIONS OCCURRED?

A. OKAY. I DON'T KNOW WHICH IS IN ORDER, WHICH COMES FIRST, BUT I KNOW ON ONE OCCASION HE CALLED ME WHEN HE GOT TO WASHINGTON AND INVITED ME OUT TO DINNER, AND I MET HIM AT -- IT'S A RESTAURANT CALLED -- IT'S EITHER 209 AND A HALF PENNSYLVANIA AVENUE OR 409 AND A HALF. I'M NOT SURE, BUT THAT'S THE NAME OF THE RESTAURANT.

ONE OTHER OCCASION --

Q. LET ME BACK UP A MINUTE. PENNSYLVANIA AVENUE IN WASHINGTON, D. C.?

A. IN WASHINGTON, D. C.

Q. DO YOU RECALL WHEN THAT OCCURRED?

A. I'M NOT REALLY SURE WHETHER IT WAS THE -- IT HAD TO HAVE BEEN THE SAME YEAR, BECAUSE I DIDN'T SEE JUDGE HASTINGS THAT LONG, AND, YOU KNOW, SO IT HAD TO HAVE BEEN ALL THAT YEAR I IMAGINE.

Q. OKAY. YOU WERE ABOUT TO DESCRIBE A SECOND DINNER --

A. THE SECOND TIME --

Q. BEFORE YOU DO THAT, LET ME ASK YOU, WAS THE DINNER YOU JUST DESCRIBED AT THE RESTAURANT ON PENNSYLVANIA AVENUE BEFORE THE SECOND DINNER?

A. THAT'S WHAT I SAID AT THE BEGINNING. I THINK IT WAS. I THINK IT WAS BEFORE THIS SECOND ONE I'M ABOUT TO DESCRIBE.

Q. WAS THERE ANYBODY ELSE PRESENT AT THIS DINNER AT THE PENNSYLVANIA AVENUE RESTAURANT?

A. NO.

Q. AND IT'S YOUR TESTIMONY THAT JUDGE HASTINGS WAS IN WASHINGTON THAT DAY AND CALLED YOU AND ASKED YOU OUT TO DINNER THAT NIGHT?

A. RIGHT. OR HE COULD HAVE CALLED ME BEFORE TO LET ME KNOW HE WAS COMING IN TOWN. I'M NOT SURE EXACTLY HOW IT TOOK PLACE, BUT I KNOW HE DID INVITE ME OUT TO DINNER.

Q. WE HAVE RECEIVED SOME EVIDENCE OF A PHONE CALL CHARGED TO ONE OF JUDGE HASTINGS' TELEPHONE NUMBERS TO YOU ON JULY 16TH.

A. UH-HUH.

Q. 1901. IS THAT TIME --

A. THAT'S ALL WITHIN THE TIME.

Q. WITHIN THE TIME YOU HAD THIS FIRST DINNER WITH JUDGE HASTINGS?

A. YES, IT IS, BECAUSE ACCORDING TO THE RECORDS, IT'S AUGUST THAT I WENT TO DINNER AT THE HOTEL, SO IT HAD TO HAVE BEEN THE ONLY TWO TIMES I GOT TOGETHER, SO JULY SOUNDS ABOUT -- AND HE WOULD HAVE CALLED PRIOR TO, YOU KNOW, COMING TO LET ME KNOW THAT HE WAS COMING OR FOR US TO GET TOGETHER.

Q. AND THEN YOU HAD A SECOND DINNER WITH JUDGE HASTINGS?

A. YES.

Q. AND WHERE DID THAT DINNER TAKE PLACE?

A. I BELIEVE IT WAS AT THE SHERATON IN WASHINGTON, D.C. I AM NOT SURE IF THAT'S THE CORRECT NAME.

Q. AND YOU SAID A MINUTE AGO YOU THOUGHT THAT WAS IN

AUGUST?

A. WELL, THAT'S THE -- A DATE WAS QUOTED TO ME WHEN THE F.B.I. AGENT INTERVIEWED ME, AND HE SAID SOMETHING 1981.

I TOLD HIM, "PERSONALLY, I CANNOT TELL YOU WHAT HAPPENED ON A PARTICULAR DATE," SO IF THAT'S AUGUST OF SOMETHING, I DON'T KNOW.

Q. THE COMMITTEE HAS RECEIVED SOME EVIDENCE THAT JUDGE HASTINGS WAS AT A DINNER ON SEPTEMBER 12TH AT THE SHERATON IN WASHINGTON IN 1981. IS THAT CONSISTENT WITH YOUR RECOLLECTION --

A. THAT SOUNDS ABOUT RIGHT.

Q. -- THE SECOND DINNER TOOK PLACE?

A. UH-HUH.

Q. WILL YOU TELL THE COMMITTEE HOW YOU CAME TO HAVE DINNER WITH JUDGE HASTINGS ON SEPTEMBER 12TH, 1981?

A. OKAY. AGAIN, HE DID CALL AHEAD OF TIME. HE BEING SINGLE, HE HAD TO LET ME KNOW IF AND WHEN HE WAS COMING IN TOWN, SO I -- WHETHER HE CALLED ME FROM WASHINGTON OR FROM MIAMI, I'M NOT POSITIVE, BUT HE DID CALL AHEAD OF TIME TO LET ME KNOW HE WAS GOING TO BE IN TOWN.

Q. WELL, IF I CAN INTERRUPT YOU. AGAIN REFERRING TO IC EXHIBIT 2343, THERE'S A REFERENCE OF THE THIRD ITEM TO EARLIER IN THE WEEK CALLED.

A. OKAY. WELL, THEN, HE COULD HAVE -- LIKE I SAY, HE CALLED AHEAD OF TIME, SO HE COULD HAVE VERY WELL CALLED TO

SAY HE WILL BE IN TOWN.

Q. YOU DON'T HAVE ANY RECOLLECTION ONE WAY OR THE OTHER?

A. NO.

Q. BUT WHAT YOU WERE TELLING THE F.B.I. AGENT OVER THE PHONE IN JANUARY OF 1983 WAS YOUR BEST RECOLLECTION AT THAT POINT?

A. THAT'S CORRECT.

Q. SO JUDGE HASTINGS CALLED YOU --

A. I WOULD LIKE TO SAY SOMETHING --

Q. SURE.

A. -- ON MY BEHALF THOUGH. WHY WOULD THEY DENY THEY INTERVIEWED ME? LIKE I SAID, I HAVE MY ATTORNEY. I DON'T LIKE THE FACT -- HE SAID THEY HAD NO RECORD OF THE F.B.I. EVER INTERVIEWING ME, AND THERE IS SOMETHING HERE. I DON'T [illegible] TO KNOW WHY HE, YOU KNOW, JUST DENIED [illegible] -- NOT HIM PERSONALLY, BUT THE F.B.I. INTERVIEWING ME, AND HOW YOU HAVE RECORD OF IT.

I WOULD LIKE -- OR SHOULD I TAKE THAT UP WITH MY ATTORNEY PERSONALLY?

Q. WELL, I WILL BE HAPPY TO TALK TO YOU ABOUT THAT AFTERWARDS. I DON'T KNOW THE ANSWER. I'M NOT SURE WHAT THE AGENT SAID TO YOU OR DIDN'T SAY.

A. OKAY. WELL, MY ATTORNEY WAS THERE, SO, YOU KNOW, I HAVE GOT THAT.

Q. IF WE COULD JUST -- ALL I'M TRYING TO DO NOW IS ASK

YOU ABOUT THE EVENTS. I'M USING THIS PRIOR DOCUMENT SIMPLY TO HELP YOU IN TRYING TO RECALL THE EVENTS.

A. OH, YEAH.

Q. WHAT I WANT TO ASK YOU ABOUT NOW IS THE DINNER ON SEPTEMBER 12TH.

A. UH-HUH.

Q. AND YOU WERE TELLING ME THAT JUDGE HASTINGS CALLED YOU, TOLD YOU HE WAS GOING TO BE IN WASHINGTON AND ASKED YOU TO GO OUT TO DINNER WITH HIM?

A. MORE THAN LIKELY, YOU KNOW, THAT'S HOW WE USUALLY, YOU KNOW, WOULD DO -- YOU KNOW, LET ME KNOW AHEAD OF TIME, SO THAT COULD HAVE BEEN IT.

Q. DID JUDGE HASTINGS CALL YOU ONCE HE ARRIVED IN WASHINGTON AS WELL?

A. I THINK HE DID, TO LET ME KNOW THAT HE WAS IN TOWN, BECAUSE I WOULD HAVE HAD NO OTHER WAY OF KNOWING HE WAS IN TOWN.

Q. AND THEN WHAT DID YOU DO?

A. WELL, AGAIN, YOU POINTED OUT SOMETHING, AND I'M NOT SURE, THAT I WENT THERE EARLIER THAT DAY AT THE HOTEL TO SEE HIM, THEN WENT HOME, GOT MY SISTER AND CAME BACK FOR DINNER.

AS FAR AS I CAN REMEMBER IS THAT I DID TALK TO HIM, I KNOW THAT, BUT -- AND I DID GO BACK TO THE HOTEL WITH MY SISTER FOR DINNER, SO I'M NOT SURE WHETHER I WAS THERE EARLIER. I DON'T REMEMBER BEING THERE THAT EVENING.

Q. THE EXHIBIT THAT I SHOWED YOU HAS AN ENTRY "FIRST ARRIVED AT 4:00 OR SO. PLEASURE TO MEET SISTER. GO HOME, GET DRESSED AND COME BACK."

WHAT IS YOUR BEST RECOLLECTION TODAY AS TO WHAT HAPPENED ON THE 12TH?

A. OKAY. WELL, LIKE I SAID, WHAT I REMEMBER CLEARLY IS, YOU KNOW, MY SISTER AND I GETTING DRESSED, GOING OVER THERE FOR DINNER. OKAY.

NOW, AGAIN, IT WAS A SATURDAY. USUALLY I HAVE A LOT OF THINGS THAT I DO, AND I'M OUT OF THE HOUSE A LOT, AND I COULD HAVE VERY WELL COME OVER THERE, BUT I DON'T RECALL GOING OVER THERE EARLIER THAT EVENING.

Q. YOU DO RECALL THAT YOU AND YOUR SISTER TOGETHER AT SOME POINT WENT OVER TO THE HOTEL FOR DINNER ON THE 12TH?

A. YES, BECAUSE I TOOK HER THERE.

Q. DO YOU RECALL APPROXIMATELY WHEN THAT WAS THAT YOU WENT OVER TO THE HOTEL FOR DINNER WITH YOUR SISTER?

A. YOU MEAN A TIME?

Q. ROUGHLY.

A. I KNOW IT WAS AROUND -- IT WAS ABOUT 7:00, I GUESS.

Q. WAS IT DARK OUTSIDE?

A. AROUND THAT TIME OF YEAR, I GUESS SO. SEVEN WOULD BE DARK.

Q. CAN YOU RECALL IF WHEN YOU WENT OVER TO THE HOTEL ON SEPTEMBER 12TH THAT IT WAS DARK OUTSIDE?

A. I GUESS I WILL SAY YES. BY 7:00 O'CLOCK, I GUESS IT WILL BE DARK. I'M NOT SURE.

Q. WHAT HAPPENED WHEN YOU GOT TO THE HOTEL?

A. WE GOT TO THE HOTEL. THERE WAS A -- WELL, OF COURSE, WE WERE GIVEN A ROOM NUMBER. WHEN WE GOT TO THIS ROOM -- WELL, I KNEW JUDGE HASTINGS WAS THERE ALREADY, AND THERE WAS A GENTLEMAN AND A LADY THERE.

Q. YOU RECALL JUDGE HASTINGS WAS THERE AND ANOTHER GENTLEMAN AND ANOTHER WOMAN WAS THERE?

A. YEAH.

Q. DO YOU RECALL WHO THE OTHER GENTLEMAN AND WOMAN, WHO THEY WERE?

A. AGAIN, AS FAR AS KNOWING THEM PERSONALLY, NO, I DON'T, BUT IT WAS BROUGHT UP THAT THE F.B.I. AGENT MENTIONED TWO NAMES, AND I TOLD HIM IF -- SINCE IT WAS A MAN AND WOMAN, I JUST ASSUMED THAT'S WHO THEY WERE, BECAUSE I DON'T KNOW. I DIDN'T KNOW ANYONE THERE BESIDES JUDGE HASTINGS.

Q. DO YOU RECALL EVER MEETING A MAN NAMED JESSE McCRARY?

A. THAT NAME SOUNDS FAMILIAR. I TOLD THE F.B.I. AGENT IT SOUNDS FAMILIAR. SOUNDS LIKE IT MIGHT HAVE BEEN THE PERSON. AT LEAST -- THE ONLY REASON WHY I KNOW McCRARY IS BECAUSE THE F.B.I. AGENT SAID THE PERSON THAT WAS THERE WAS McCRARY AND WANDA SOMETHING, AND I TOLD HIM, "WELL, IF THAT'S WHO IT WAS, THAT'S WHO THEY WERE."

Q. THIS IS WHEN AN F.B.I. AGENT INTERVIEWED YOU RECENTLY?

A. RIGHT.
Q. WERE THE OTHER TWO PEOPLE BLACK PERSONS THAT WERE IN THE ROOM WITH JUDGE HASTINGS?
A. THE COUPLE WAS BLACK, YES.
Q. DO YOU RECALL THE NAME DONNA MENDEZ?
A. THERE WAS A LADY THERE, SO IT HAD TO HAVE BEEN HER, I GUESS.
Q. WELL, DO YOU RECALL IF THE WOMAN THERE WAS NAMED DONNA MENDEZ?
A. SIR, I DIDN'T KNOW ANYONE THERE, SO IF I WAS INTRODUCED TO SOMEONE BACK IN '81 AND NOT KNOWING THAT PERSON OR NEVER HAVING ANY MORE CONTACT, IT'S HARD FOR ME TO SIT HERE AND SAY IT WAS DONNA MENDEZ. IF THAT'S WHO THEY SAID IT WAS, THEN THAT'S WHO IT WAS.
Q. I'M JUST ASKING YOU, MS. MAPP, FOR YOUR BEST RECOLLECTION, NOT WHAT SOMEBODY HAS TOLD YOU, BUT WHAT IS YOUR BEST RECOLLECTION. IF YOU DON'T HAVE ONE, I ACCEPT THAT.
A. I GUESS I DON'T HAVE ONE THEN. I DON'T KNOW WHO THE PERSON WAS, BUT THERE WAS A LADY THERE.
Q. DO YOU RECALL MEETING A WOMAN NAMED BONNIE McCRARY?
A. I DON'T RECALL MEETING A BONNIE McCRARY, NO.
Q. WAS THE WOMAN THERE YOUNG OR OLD?
A. SHE WAS YOUNG.
Q. DO YOU RECALL IF THERE WAS MORE THAN ONE WOMAN THAT

YOU MET THAT NIGHT?

A. I JUST --

Q. OR ONLY ONE?

A. I JUST RECALL ONE YOUNG LADY THERE.

Q. NOW, WHEN YOU GOT TO THE HOTEL AROUND 7:00 O'CLOCK, YOUR SISTER WAS WITH YOU?

A. YES, SHE WAS.

Q. AND WHAT DID YOU DO ONCE YOU REACHED THE HOTEL ROOM?

A. WENT UP TO THE ROOM THAT WE WERE GIVEN.

Q. DID YOU STAY IN THE ROOM?

A. YES.

Q. YOU WERE SUPPOSED TO GO TO DINNER?

A. RIGHT.

Q. DO YOU KNOW IF JUDGE HASTINGS OR THE OTHER PEOPLE IN THE ROOM WERE EXPECTING SOMEONE ELSE TO JOIN YOU FOR DINNER?

A. WELL, THEY DIDN'T GO TO DINNER RIGHT AWAY SO THAT -- ONCE WE GOT THERE, WE DIDN'T JUST GET UP AND GO TO DINNER, SO APPARENTLY THEY WERE WAITING FOR SOMETHING.

Q. DO YOU RECALL ANY CONVERSATION ON SEPTEMBER 12TH ABOUT WAITING FOR SOMEBODY ELSE?

A. THEY NEVER MENTIONED TO US THAT THEY WERE WAITING FOR ANYBODY ELSE. WE ALL JUST SAT AND TALKED AND -- WELL, OF COURSE, THEY WEREN'T READY TO GO TO DINNER SO WE HAD NO IDEA WHY WE WEREN'T GOING TO DINNER RIGHT THEN AND THERE.

Q. APPROXIMATELY HOW LONG DID YOU STAY IN THE ROOM? DO

YOU RECALL?

A. PROBABLY ABOUT AN HOUR TO TWO HOURS.

Q. SOMETIME UNTIL 9:00 O'CLOCK?

A. AROUND THERE, YEAH. I WOULD SAY ROUGHLY AROUND THERE.

Q. COULD IT HAVE BEEN LATER?

A. COULDN'T HAVE BEEN MUCH LATER.

Q. DID SOMEBODY WHILE YOU WERE IN THE ROOM BEFORE YOU WENT TO DINNER, DID SOMEBODY ARRIVE AT THE ROOM?

A. YES.

Q. DO YOU KNOW WHO THAT PERSON WAS?

A. WE WERE TOLD THAT WAS BORDERS ONCE, YOU KNOW, ONCE HE CAME IN AND HE WAS INTRODUCED TO US.

Q. DO YOU RECALL APPROXIMATELY WHEN MR. BORDERS ARRIVED?

A. IT WASN'T -- WELL, IT WAS ABOUT, AFTER THE -- YOU KNOW, AN HOUR TO TWO HOURS THAT WE WERE WAITING, THIS PERSON CAME, YOU KNOW, AND WE WERE TOLD IT WAS BILL BORDERS.

Q. DID YOU GO TO DINNER IMMEDIATELY AFTER MR. BORDERS ARRIVED OR DID YOU CONTINUE TO STAY IN THE ROOM?

A. NO. WE WENT ON TO DINNER AFTER THAT, AFTER HE CAME.

Q. RIGHT AFTER HE CAME, YOU WENT TO DINNER?

A. YEAH.

Q. DOWN IN THE HOTEL RESTAURANT?

A. IN THE HOTEL RESTAURANT, RIGHT.

Q. WHEN MR. BORDERS ARRIVED, DID JUDGE HASTINGS SEEM SURPRISED TO SEE HIM?

A. NO. THEY SEEMED TO HAVE KNOWN WHO HE WAS.

Q. WELL, DID THEY SEEM TO KNOW HE WAS COMING THAT NIGHT?

A. THEY SEEM -- THEY DIDN'T SHOW US THAT THEY WERE SURPRISED THAT HE WAS COMING. THEY SEEMED TO KNOW THAT HE WAS, YOU KNOW -- THEY SEEMED TO HAVE BEEN EXPECTING HIM.

Q. NOW, YOU WENT TO DINNER --

JUDGE TJOFLAT: WHEN YOU SAY "THEY," YOU ARE TALKING ABOUT --

THE WITNESS: THERE WERE OTHER PEOPLE IN THE ROOM.

JUDGE TJOFLAT: -- THE OTHER PEOPLE IN THE ROOM?

THE WITNESS: THE OTHER COUPLE I'M TALKING ABOUT.

BY MR. WEBB:

Q. YOU ARE REFERRING TO THE OTHER COUPLE AND JUDGE HASTINGS?

A. RIGHT.

Q. AND THEN AFTER MR. BORDERS ARRIVED, YOU GO TO DINNER. HOW LONG DO YOU STAY AT DINNER?

A. WE STAYED QUITE A FEW HOURS, JUST, YOU KNOW, SITTING. AFTER WE ATE, WE SAT AND TALKED FOR A LONG TIME, SO IT WAS QUITE -- I WOULD SAY ABOUT, PROBABLY ABOUT THREE HOURS. I DON'T THINK IT WAS LONGER THAN THAT.

Q. AND YOUR SISTER WAS WITH YOU ALL DURING THIS TIME?

A. MY SISTER WAS WITH ME.

Q. WERE YOU PAIRED WITH JUDGE HASTINGS DURING THE DINNER? WAS HE YOUR DATE?

A. HE INVITED ME, YES, SO I GUESS I WAS HIS DATE.
Q. WAS YOUR SISTER THE DATE OF MR. BORDERS?
A. MY SISTER WAS NOT PAIRED WITH ANYONE. I TOOK HER ALONG.
Q. DO YOU RECALL ANY OF THE SUBJECTS THAT WERE DISCUSSED WHILE YOU WERE AT DINNER?
A. NOTHING -- YOU KNOW, JUST EVERY DAY THINGS. I DON'T RECALL ANYTHING IN PARTICULAR.
Q. DO YOU RECALL ANY DISCUSSION ABOUT AN UPCOMING FIGHT IN LAS VEGAS BETWEEN SUGAR RAY LEONARD AND TOMMY HEARNS?
A. NO, I DON'T.
Q. AFTER THE DINNER BROKE UP, WHERE DID YOU GO?
A. BACK TO THE HOTEL.
Q. BACK TO THE ROOM?
A. BACK TO THE ROOM, YEAH.
Q. AND THEN WHEN DID PEOPLE GO THEIR SEPARATE WAYS?
A. WELL, WE ALL WENT BACK TO THE ROOM.
Q. RIGHT.
A. AND THEN WE LEFT. EVERYBODY WENT THEIR SEPARATE WAY.
Q. AFTER THE DINNER WITH JUDGE HASTINGS ON SEPTEMBER 12TH, HAVE YOU SEEN HIM SINCE?
A. NO, I HAVEN'T.
Q. THERE'S BEEN EVIDENCE THAT A PHONE CALL WAS MADE FROM A PHONE IN JUDGE HASTINGS' NAME TO YOUR PHONE ON SEPTEMBER 26TH. WERE YOU CONTINUING TO TALK WITH JUDGE HASTINGS AFTER

THIS DINNER?

A. I MIGHT HAVE, YES.

Q. DO YOU HAVE ANY RECOLLECTION ABOUT WHAT YOU AND JUDGE HASTINGS WOULD HAVE BEEN SPEAKING ABOUT TOWARDS THE END OF SEPTEMBER, 1961?

A. NOPE. I DON'T RECALL HIM CALLING ME, BUT IF YOU HAVE A RECORD THAT HE DID, THEN HE DID.

Q. AND SINCE THAT DINNER, YOU HAVE NOT SEEN JUDGE HASTINGS?

A. NO, I HAVEN'T.

Q. AND YOU HAVE NO RECOLLECTION OF ANY SUBSEQUENT PHONE CONVERSATIONS WITH HIM?

A. WELL, I DID CALL HIM RECENTLY WHEN THE F.B.I. CAME TO ME AGAIN, AND I TOLD HIM I WAS VERY DISTURBED ABOUT THE WHOLE ISSUE, BECAUSE I'M A MARRIED WOMAN. MY HUSBAND HAPPENS TO BE A PROFESSIONAL PERSON. I DIDN'T LIKE THE IDEA THAT I'M BEING HARASSED ABOUT HIS BUSINESS.

Q. WHEN WAS THIS THAT YOU CALLED JUDGE HASTINGS? AFTER THE SUBPOENA WAS SERVED ON YOU?

A. YES.

Q. SO IT WAS SOMETIME LAST WEEK?

A. SOMETIME LAST WEEK.

Q. WILL YOU TELL THE COMMITTEEE, PLEASE, THE SUBSTANCE OF WHAT YOU AND JUDGE HASTINGS SAID TO EACH OTHER?

A. IT WAS VERY SHORT. HE SAID, "HELLO, PEARL. HOW ARE

YOU?"

I SAID, "I'M FINE. I'M CALLING TO LET YOU KNOW THE F.B.I. AGENTS HAVE CONTACTED ME TO APPEAR AT SOMETHING DEALING WITH YOU." I SAID, "I REALLY DON'T APPRECIATE IT."

HE SAID, "WELL, THERE'S NOTHING I CAN DO ABOUT THAT FOR THEM CALLING YOU."

I SAID, "WELL, YOU KNOW, I HAPPEN TO BE A MARRIED WOMAN. MY HUSBAND IS A PROFESSIONAL PERSON, AND I DON'T LIKE BEING BROUGHT UP IN THINGS LIKE THAT," BECAUSE I WOULD HATE FOR HIM TO GET, YOU KNOW, HIS CAREER TO BE RUINED BECAUSE OF WHAT, YOU KNOW, IN THE PAST HE JUST GOING OUT TO DINNER WITH HIM.

HE SAID, WELL, HE'S SORRY ABOUT THAT, BUT IT'S NOTHING HE CAN DO AND THAT HE WAS BEING -- A COMPLAINT HAD BEEN FILED AGAINST HIM, AND THEY ARE TRYING TO IMPEACH HIM OR SOMETHING TO THAT EFFECT AND THAT THAT'S WHAT THAT'S ALL ABOUT, BUT HE KNOWS THAT HE HASN'T DONE ANYTHING, AND HE'S NOT AFRAID OF ANYTHING.

THAT WAS IT.

Q. DID YOU DISCUSS WITH HIM THE DINNER ON SEPTEMBER 12TH AT ALL, WHAT HAPPENED THEN?

A. NO, SIR. NO. DIDN'T DISCUSS ANYTHING OTHER THAN WHAT I JUST TOLD YOU, THE FACT THAT I WAS CONTACTED BY THE F.B.I. AGAIN CONCERNING HIS MATTER.

MR. WEBB: I HAVE NOTHING FURTHER OF MS. KAPP.

JUDGE GODBOLD: ANY QUESTIONS BY ANY COMMITTEE MEMBERS?

ALL RIGHT. THANK YOU VERY MUCH, MS. LAPP.

YOU MAY STEP DOWN.

MR. WEED: THE NEXT WITNESS IS MARGARET DABREAU OWENS.

JUDGE JOHNSON: OWENS?

MR. WEED: OWENS, O-W-E-N-S.

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

YOU DO SOLEMNLY SWEAR THE TESTIMONY YOU ARE ABOUT TO GIVE SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

THE WITNESS: SO HELP ME GOD.

THE CLERK: BE SEATED, PLEASE, AND STATE YOUR FULL NAME FOR THE RECORD.

THE WITNESS: MARGARET OWENS.

JUDGE GODBOLD: YOU MAY SIT DOWN, MS. OWENS, IF YOU PLEASE.

IF YOU CAN SPEAK INTO THE MICROPHONE, IT COULD HELP US.

THE WITNESS: OKAY.

JUDGE GODBOLD: BEFORE YOU ARE ASKED TO TESTIFY, MS. OWENS, I CALL TO YOUR ATTENTION THAT THE UNITED STATES LAW PROVIDES THAT THESE PROCEEDINGS HERE TODAY ARE CONFIDENTIAL.

I READ TO YOU THE APPROPRIATE PART OF THE LAW. "ALL PAPERS, DOCUMENTS AND RECORDS OF PROCEEDINGS RELATED TO

INVESTIGATIONS CONDUCTED UNDER THIS SUBSECTION," AND THIS IS THE KIND OF INVESTIGATION IT IS TALKING ABOUT, "SHALL BE CONFIDENTIAL AND SHALL NOT BE DISCLOSED BY ANY PERSON IN ANY PROCEEDING."

THE WITNESS: OKAY.

JUDGE CODDOLD: MR. WEBB.

- - -

MARGARET OWENS,

CALLED AS A WITNESS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. WEBB:

Q. MS. OWENS -- IS OWENS YOUR MARRIED NAME?

A. YEAH.

Q. AND WHAT'S YOUR MAIDEN NAME?

A. DADREAU.

Q. YOU ARE THE SISTER OF PEARL DADREAU KAPP WHO JUST APPEARED BEFORE THIS COMMITTEE RIGHT BEFORE YOU?

A. YES.

Q. IN 1951, WERE YOU MARRIED?

A. NO.

Q. SO YOUR NAME AT THAT POINT WAS MARGARET DADREAU?

A. RIGHT.

Q. WHERE DO YOU CURRENTLY RESIDE, MS. OWENS?

A. 921 ROCKEFELLER STREET, NORTHWEST, WASHINGTON, D. C.

2401 N.W. 43rd Terrace
Lauderhill, Florida 33313
October 14, 1981

Honorable Alcee L. Hastings
United States District Judge
2970 N.W. 55th Avenue
Apartment 1-B
Ft. Lauderdale, Florida 33313

Dear Judge:

I want you to know that I felt pride and joy as well as horror as a result of our telephone conversation on Friday, October 9th, when you called me from Baltimore and indicated that you required my legal assistance in confronting allegations of bribery which you had just learned were being directed towards you. I am especially pleased to know that you have since invited the legal expertise of Jesse McCrary and Delano Stewart. I feel certain that the best legal treatment conceivable will be administered to your case by this team.

Yours truly,

Patricia Graham Williams

cc: Jesse McCrary
Delano Stewart

MANAGERS' EXHIBIT 230

IC-192

EXHIBIT 230 HOUSE

Stadium foes question Clark's role

By NEIL BROWN
Herald Staff Writer

Homeowners fighting Joe Robbie's proposed North Dade stadium filed court papers Wednesday saying the brother of Dade County Mayor Steve Clark met with Miami Dolphins executives to help them with road plans for the project.

"I'm going to give the mayor the benefit of the doubt, but I would hope that if there is even the appearance of a conflict of interest he would step aside on this matter," said H.T. Smith, the homeowners lawyer.

Mayor Clark, who will be asked to vote later this year on whether to approve Robbie's stadium and rezone the property, immediately declared that there was no conflict of interest.

The mayor said he hasn't been in the construction business with his brother, Dick, for at least six years. And the mayor said he supports Robbie's project.

"I have no financial interest or otherwise," Clark said. "I have no conflict of interest. I plan to vote for Mr. Robbie without reservation."

Dolphins Vice President Joe Abrell said it was "outrageous for them to even hint" that a conflict exists. He called the latest filings "delaying tactics."

Smith, representing the Rolling Oaks-Crestview Homeowners Association, filed 45 pages of documents, including copies of part of a deposition taken from Dolphins Vice President Don Poss.

In the deposition, Poss said he met with Dick Clark and representatives of Emil and Lawrence Morton, the Miami Beach developers who helped promote Robbie with the 160-acre site near Lake Lucerne.

Neither Poss nor Joe Benner, the Mortons' personal representative who brought Dick Clark to the meeting, could remember specifically when it occurred, though it was apparently late last year.

In the deposition, Poss said the general roadway alignment of the project was discussed so maps could be prepared. He said he did not know of any contact Dick Clark has had with the Dolphins since.

Dick Clark, a former majority leader of the Florida House who now has a home in North Carolina, was on his way to Miami Wednesday and could not be reached.

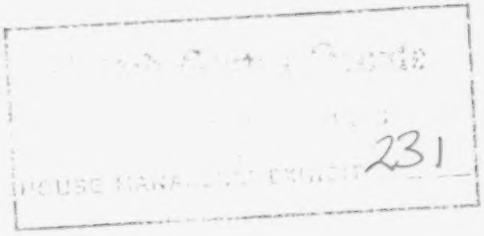
Benner and Abrell said Dick Clark has not been paid. "He's not involved in this project at all," Benner said.

Most of the papers filed by Smith Wednesday respond to a lengthy memorandum written last month by Dolphins lawyer Robert Shevin. Shevin asked Circuit Judge Martin Greenbaum to throw the homeowners' suit out, claiming in part that all of Dade benefits from a new stadium and the Dolphins' success. Shevin now gets 10 days to respond to Smith's response.

"The main thing we want people to understand is that we're not fighting the Dolphins; we're fighting the Dolphin stadium corporation which wants to put a stadium on land zoned residential," Smith said. "We know we'd be booed out of the stadium if we had to fight this on the 50-yard line. We want to fight this in a calm and cool courtroom, where everybody's equal."

Abrell said the team and the stadium are linked. "Where do they think the Dolphins play? In the street?"

July 18 P4B



Dade pays $5 million to finish legal battle

By CELIA W. DUGGER
Herald Staff Writer

Dade County and Parsons and Whittemore, the builder and manager of the county's garbage-to-energy plant, have ended the most expensive legal dispute in Metro-Dade's history.

The legal expenses cost taxpayers almost $5 million.

The final scene took place Thursday in a luxurious room crowded with a dozen lawyers and decorated with modern art in the Brickell Avenue offices of the county's private law firm on the case, Greenberg, Traurig, Askew, Hoffman, Lipoff, Rosen & Quentel.

Eighty-eight lawyers in that law firm labored 36,847 hours — the equivalent of one person working for three years, seven days a week, 24 hours a day — and received $4.3 million of public money to fight what County Attorney Robert Ginsburg called "the legal equivalent of global warfare."

It was a battle in which lawsuits and pleadings were exchanged like gunfire. There was no clear winner.

The truce calls for P&W to cease running the plant 16 years earlier than the original contract provided. The county paid the company $28 million. Of that, $21.5 million bought an electrical generating

Please turn to FEES/9A

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P. 1

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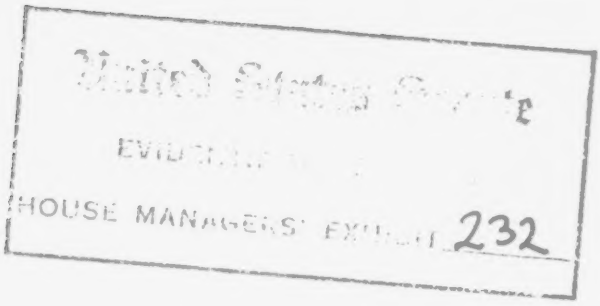

1968

Taxpayers spend $5 million for marathon legal battle

FEES / from 1A

facility, and the rest paid for land lease and inventory.

"We wanted to get rid of them," said assistant county manager Dennis Carter, who later broke out champagne to celebrate Thursday.

The county's decision to bring in private lawyers from Greenberg, Traurig, a firm that regularly represents private developers on zoning matters before the commission, has led some critics to question why the county should pay millions to outside lawyers when it has a staff of 50 attorneys.

The fight was expensive for both sides. Parker Thomson, whose high-powered firm represented P&W, declined to say just how much the company spent. Ginsburg estimated that the legal fees born by the company were twice what the county paid.

Metro Commissioner Jim Redford, who favored settling the case four years ago, describes this feud as a case of lawyers gone amok, unchecked by politicians who were supposed to set policy.

"The lawyers had such a positive hatred for each other that all they did was squabble and argue about crossing t's and dotting i's," Redford said. "Every once in awhile, when they came back to the commission to ask for authority to go on, you just shrugged and said fine."

According to public records:

● Greenberg, Traurig received $4.3 million to fight the case over five years, according to their invoices. Of that amount, $2.4 million was for legal fees, and the rest covered court costs and other expenses.

● In 1982, the peak year of the feud, four Greenberg, Traurig lawyers billed the county for more than $200,000 each, two to three times the $83,188 that County Attorney Ginsburg earned that same year.

● One of them, Hilarie Bass, billed the county $211,275 for 2,731 hours of work. That means she charged the county for an average of 52.5 hours a week. Victor Polk Jr. billed $241,462 for 2,618 hours.

● In August 1982, Greenberg, Traurig lawyer Byron Petersen billed the county for 343 hours, at $125 an hour. For Petersen's month of hard work, the firm charged the county $42,875, as much as some assistant county attorneys make in a year.

● In five years of litigation, Greenberg, Traurig set a maximum hourly rate of $125 an hour for its lawyers' services and did not raise it. Mel Greenberg, lead attorney on the litigation, said that rate is substantially lower than he normally charges.

Attorneys in Suit

The following attorneys from the law firm Greenberg, Traurig put in time, ranging from less than an hour to thousands of hours, representing the county in its legal battle with Parsons and Whittemore:

Paul A. Abramsen
Bernard Allen
Fernando Alonso
Rudolph Aragon
Richard Arkin
Bradon Askew
James Bacchus
Hilarie Bass
Robert Burlington
Mark Bloom
Ramon Cacicedo
Albert Carusone
J. Carver
Alan R. Chase
Emilio Chavez
Sue Cobb
Lori Coen
Kendon Coffey
Susan Daicoff
Robert Dorner
Alan T. Dimond
Charles Edgar
Thomas Fowell
Barbara Ferrer
Linda Ferrer
Miguel Fraga
Esther Fuentes
James Gale
Richard Garrett
David Goodfader
Brad Gedshall
Elsa Gascuena
Steven Goldsmith
Juan Gonzalez
Brian Goodkind
Lawrence Gordon
Matthew Gordon
Melvin Greenberg
Marilyn Greenblat
Christopher Greene
Ira Hoffman
Larry Hoffman
Eric Isikoff
Sharon Kirschner
Timothy Kish
Jeffrey Klein
Alan Koslow
Lisa Kotlow
Shirley Kraditz
Steven Landy
Allan Langdale
Alan Lieberman
Paul A. Lester
Wallace Lightsey
Juan Lourido
James Maxwell
Stephen McLaughlin
Carol McNeal
Janet Miller
John Milton
Alicia Morales
Deborah Northrop
Julie Oldshoft
Byron Petersen
Beth Poldenson
Victor Polk Jr.
Gary Pruitt
Albert Quesiel
Ronald Reviloff
Dale Reciniello
Paula Reynolds
Ronald Rosenpetten
David Ross
Robert Rubenstein
Clifford A. Schulman
Carole Shapiro
Marlene Silverman
Timothy Smith
Herbert Sonkin
Gregory Ullman
Marianne Vos
Stanley Wakshlag
David Weiss
Teresa White
Allen Windt
Timothy Wolfe
Zachary Wolfe
Irma Zuckerman

Ginsburg, who was not the attorney on the case when the county first hired Greenberg, Traurig, said that the county attorney's office wanted to settle four years ago. The county manager's office didn't. Former Gov. Reubin Askew, a Greenberg, Traurig partner, convinced a 5-4 majority of the commission to reject the settlement.

Commissioner Beverly Phillips and the county's lawyers say Dade had no choice but to fight to protect its $120 million investment in a new, largely untested technology. She said the agreement did not adequately ensure that P&W, losing money as operator of the plant, would stay if paid for building it.

Dan Paul, who was with the firm that originally represented P&W and who was also architect of Metro's home rule charter, said the practice of giving county work to private firms subverts the intent of having a separate county law department to cut costs and avoid conflicts of interest.

Lawyer Paul Louis has attacked the relationship in an unrelated case involving the county and a client of Greenberg, Traurig.

"The relationship is just too cozy," he said.

Louis notes that Greenberg, Traurig has hired lawyers from the county attorney's office. "It's like musical chairs in Washington," he said.

Ginsburg confirmed that three former assistant county attorneys — Alan Dimond, Alan Gold and Clifford Schulman — now work for Greenberg, Traurig, and that Ginsburg himself worked briefly for the firm in 1969-70.

But that does not affect how the county fights its legal battles, Ginsburg said, noting that the county beat Greenberg, Traurig in the case Louis was protesting.

In the fight with Parsons and Whittemore, Ginsburg's office did not have the resources to handle the case "an unbelievable mammoth and gargantuan legal task," Ginsburg said.

Lawyers debate what might have been if the county had settled in 1981.

Mel Greenberg said the settlement might have been only a temporary truce.

But assistant county manager Carter said the lengthy, bitter arbitration three years ago, where P&W lawyers tried to make him look "a fool and a liar," doomed the relationship.

"It's like going through a divorce and still being forced to live together," Carter said.

Thursday, in Greenberg, Traurig's office, the divorce was final.

As David Ross, partner for Greenberg, Traurig, wandered from the room, he muttered under his breath, "I hope that I will never see these folks again."

County's decision on bond policy criticized as 'Lawyers' Relief Act'

BOND / From 1B

Indians, who competed to see who could give away the most at celebrations.

"It was," he said, "an exhibition of conspicuous giving."

Porter Thomson, a prominent Miami lawyer who is a critic of the new policy, calls it the "Lawyers' Relief Act" because it has meant big money for lawyers without much additional work.

'On the gravy train'

Twenty-three local firms considered qualified to handle bond issues lined up for the work. "Everybody wanted on the gravy train," Bradford said.

But the commission discovered that bond underwriters looked askance at the new practice. On advice of staff, the commission decided to narrow the list, requiring the locals to "associate" with national firms that have bond expertise.

Former Metro Commissioner Ruth Shack did not like the idea of choosing an arbitrary, smaller number of firms. "It should not have been a political decision," she said.

Commissioner Harvey Ruvin said he acted on the recommendations of staff. Is the staff political, he asked. "I don't think so," he answered.

The winners were Greenberg, Traurig and three other local firms: Pine Jacobson Schwartz Nash Block & England; Myers, Kenin Levinson Ruffner Frank & Richards; and Sparber Shevin Shapo & Heilbronner. The four are "married" to firms with national reputations in bond work. A national firm, Morgan Lewis & Bockius, with a local office where Richard Pettigrew is a partner, also was chosen. Pettigrew is chairman of Dade's Democratic Party and is a former speaker of the Florida House of Representatives.

"Town that's got, got. It takes a long time to pay your dues and get into the inner circle," said George Knox, who was a partner in another local firm that wanted the bond business but didn't get it.

A political plum

Throughout the country, bond counsel status is traditionally a political plum offered to a well-connected firm, said Gerard Miller, an official with the national association of government finance officers in Chicago.

"It's a money machine, no question about it," he said.

Unlike most services the county buys, bond lawyers are not selected through price competition. Because they provide a specialized service, the county negotiates a fee that is a percentage of the value of the bond issue — a practice that is also controversial.

Miami lawyer Dan Paul said the county could save a lot of money by paying bond counsel on an hourly rate basis rather than a percentage basis.

[illegible] of the county attorney, the finance director and its assistant county manager, regarding the fees for each bond issue.

First assistant county attorney Murray Greenberg said his office has a contract for handling the legal work before the authority at the rate of $50 an hour. It will audit time sheets submitted by the bond lawyers.

"Previously, the county is not billing consistently," he said. He added that the bond counsel also often provided valuable financial advice to the county.

The county does not keep track of whether the local or national firms do the work, or how they split the fee. "We will not get in the middle of divvying the proceeds," Greenberg said. "I don't know how they do it."

$7 million in legal fees

Since the county implemented its new policy, the county has paid $3 million in legal fees on $1 billion in bond issues, according to public documents.

Figures on how much was paid before the new policy began were not available. Greenberg said the amount was probably fewer, but noted that the types of bond issues conducted today are far more complex — and expensive — than those handled by the national firm used by the county in the 1970s.

"Comparing the figures would be misleading," Greenberg said. "It's apples and oranges."

Under Florida law, bond issues must be approved by a circuit judge — who deems the bond issue "valid" for a public purpose. Greenberg explained that the county attorney's office usually handles the validation process, which in most cases is routine.

Then the outside bond counsel must issue an opinion — read closely by potential bond buyers — that the bonds qualify to be tax exempt. Tax-exempt bonds carry far lower interest rates. If something goes wrong and the bonds are not tax exempt, the bond counsel can be sued, Greenberg said.

But Thomson said the judge's validation eliminates that risk, rendering the bond counsel opinion less significant. Consequently, he argues, fees should be much lower.

'Risk isn't great'

"The risk isn't great," Thomson said. "The court decree takes care of it."

Responds Greenberg: "The risk is a little bit less, but there's always risk as long as the bonds are outstanding. ... So while the fees were higher, [so] I think there are some very legitimate reasons to have bond [illegible]."

The firms privately have carved up much from their duties as bond counsel to form their syndicates or they have an equal amount to the county itself. The commission in 1983 required these authorities, which help finance hospitals, industrial development, housing and other projects, to use the county bond [illegible] as bond counsel.

Paul Lewis, who was then a member of the Health Facilities Authority, said he was surprised one day in 1983. The authority had done a careful job of picking its own counsel. Then, "a nice-looking boy walked in wearing a Brooks Brothers suit, button-down shirt and horn-rimmed glasses, and said, 'I'm from Greenberg, Traurig, and I'm your new bond counsel.'"

Since fiscal 1983, the four authorities have issued $800 million in bonds, according to the county finance department. But there is no public record of the fees to bond counsel, which are paid by the private corporations and nonprofit groups that get the financing.

Miller, with the Government Finance Officers Association, said most authorities in the country let private developers seeking revenue bonds pick their own bond counsel.

Requiring the use of the county bond counsel has provoked complaints from private groups who want to negotiate a lower legal price for bond counsel themselves, said John Haley, executive director of the Industrial Development Authority.

"They grumble, but they don't want to take it to the wall with the commission," he said.

Metro Finance Committee Chairman Jim Redford concedes that pressure from Miami's law firms influenced the county's decision to give them its bond work.

Fees to swell

In coming years, the legal fees for bond work will swell further if Metro follows Mayor Steve Clark's proposal for a $700 million to $800 million bond issue to finance an ambitious new array of projects.

The conspicuous giving works both ways. Financial disclosure reports show the following about the contributions made by the four local firms and the national firm that get Metro's bond business:

- Metro Finance Chairman Redford received $15,550 in 1984 from the five firms, more than any other commissioner.
- The two firms that regularly represent clients before the commission, as well as doing the bond work, gave the most to Metro commissioners. Greenberg, Traurig and its lawyers weighed in with $21,250. Pine Jacobson Schwartz Nash Block & England and its attorneys contributed $25,250.
- Of the two other local firms that do bond work, Myers Kenin Levinson Ruffner Frank & Richards and its lawyers gave $14,250; and Sparber Shevin Shapo & Heilbronner gave $10,850. Lawyers from Morgan Lewis & Bockius, the national firm, gave the least, $3,100.
- Traurig, generally considered the most influential private attorney in Dade County on zoning questions, was the single largest contributor from the firms, giving $8,750 to the nine commissioners. Traurig said he gave to all the sitting commissioners because he "respects their service to the community."
- Melvin Greenberg, who was the lead attorney in the garbage dispute that brought his firm $2.4 million, came in second with $8,000 in contributions.
- Melvin Rantz, a partner in Greenberg, Traurig, was a chief fund-raiser for Commissioner Barbara Carey's last campaign, and formerly was a member of the board of the Dade Health Facilities Authority, a body his firm now advises as bond counsel.
- Greenberg, Traurig is the pre-eminent firm representing private clients before the commission on zoning matters, said Reg Walters, who has spent two decades as Metro's planning director. "Of the major zoning changes, the Traurig firm could well represent 25 percent of them," he said. The firms' attorneys have appeared before the commission for many years, earning a reputation as straight shooters who know they will be back to face the commission, he added.

Political consultant and ad man George DePeatis said it is ridiculous to think the firms contributed to get the bond work. "That's a bum," he said. The real money is in representing clients on zoning applications, he said.

The firms contribute politically, he said, because they are the community's bedrock, adding, "That's the price of citizenship in a free country."

1971

OFFENSE	
Counts One and Six:	Participating in conduct of an enterprise through a pattern of racketeering activity 18 U.S.C. 1962(c) & 1963
Counts Two, Three, Five and Twelve:	Mail fraud 18 U.S.C. 1341
Counts Four, Seven, Eight, Nine, Ten and Thirteen:	Wire fraud 18 U.S.C. 1343
Counts Eleven and Fourteen:	Embezzlement from employee pension benefit plan 18 U.S.C. 664
Count Fifteen:	Using and investing racketeering income in an enterprise 18 U.S.C. 1962(a) & 1963
Counts Sixteen, Eighteen and Twenty:	Income tax 26 U.S.C. 7206(1)

United States Senate
EVIDENTIARY HEARINGS
RESPONDENT'S EXHIBIT 1

P E N A L T I E S

Counts One and Six:	M/S $25,000 - 20 years, or both as to each count.
Counts Two, Three, Five and Twelve:	M/S $1,000 - 5 years, or both, as to each count.
Counts Four, Seven, Eight, Nine, Ten and Thirteen:	M/S $1,000 - 5 years, or both, as to each count.
Counts Eleven and Fourteen:	M/S $10,000 - 5 years, or both, as to each count.
Count Fifteen:	M/S $25,000 - 20 years, or both
Counts Sixteen, Eighteen and Twenty:	M/S $5,000 - 3 years, or both, as to each count.

OFFENSE:

Prosecution Version. Records obtained through the U. S. Department of Labor and Internal Revenue Service reflect that the defendants, Thomas Romano and Frank Romano, devised and carried out a fraudulent scheme in regards to the development and construction of the Executive House of Inverrary in Lauderhill, Florida between 1974 and 1975. Charges against the defendants include conducting an enterprise through a pattern of racketeering activity, investing racketeering income in an enterprise, theft and embezzlement from an employee benefit plan, wire fraud, mail fraud and income tax evasion. The government contends that the defendants collectively profited through the reported criminal acts in a total amount in excess of $1,000,000.00.

Investigation of this offense stemmed from a larger scale investigation by the Federal Bureau of Investigation which was being conducted following the disappearance of former labor official Jimmy Hoffa. Part of the investigation involved the Bergen and Passiac County Welfare and Pension Fund in New Jersey. As the FBI felt that they had found a possible mail fraud in regards to the fund and its dealings with the defendants, the U. S. Postal Inspectors and Department of Labor became involved in the case. Subsequently, the Internal Revenue Service also became involved in the case as tax violations also appeared to exist. Overall investigation by the various federal agencies revealed the following:

On November 1, 1972, the defendants, Thomas and Frank Romano entered into a partnership agreement with an individual named Martin Kane. The defendants put in $40,000, as did Kane. As part of the agreement, all subsequent monies except those procured as a result of construction or permanent financing were to be provided by Kane and the initial capital was to be repaid. The defendants were to receive $500 per unit built at a rate of $1,000 per week. The partnership had been set up to build condominium projects in Inverrary, Florida. Shortly thereafter, on November 9, 1972, the three individuals incorporated K.R.R., Inc. as the corporate entity to be used for the construction of the Greens of Inverrary. Additionally, the two other phases were to be

developed at a later date. K.R.R. did purchase land from Haft-Gaines, Inc. in order to begin building phases one and two. Additionally, in early 1973, K.R.R., Inc. borrowed approximately 5.2 million dollars from Republic Mortgage Investors in Miami, Florida for phase one development. Additionally, two loans valued at approximately 2.4 million dollars were borrowed from Republic Mortgage for phase two.

On June 14, 1973, K.R.R., Inc. contracted with Haft-Gaines, Inc. to purchase an additional 10.61 acres of land which was to be used for phases three and four of the project. The price for the land was $901,000 and a deposit of $45,050 was paid. Terms for the remaining payments involved additional monies to be paid at closing, a $50,000 payment due one year from closing, and the remaining balance to be made in six equal annual payments. At the closing on September 18, 1973, a promissory note was executed for $790,000 by K.R.R., Inc. in favor of Haft-Gaines, Inc.

On December 21, 1973, K.R.R., Inc. sold all of their stock to I.O.T.A. Industries, Inc., a New York public corporation, for $10,950,000. As terms of the sale, $1,050,000 was paid in cash to the principals of K.R.R., Inc. Both Thomas and Frank Romano each received in excess of $250,000 in cash as their portion of the sale. The remaining monies were provided in the form of notes, with each defendant receiving 2.4 million in notes which were to be paid off from the profit expected from the completion of the Greens of Inverrary. At the time of the sale, K.R.R., Inc. had completed phase one of the project and was in the process of building phase two. I.O.T.A. had been experiencing tremendous losses at the time and the purchase of the stock in K.R.R. appeared to be a good buy as they expected several million dollars in profit from the completion of the Greens of Inverrary project. At this time, I.O.T.A. took over complete control of K.R.R. but did retain the Romanos and Kane in their previous positions with the company, only now as salaried employees.

Due to the energy crisis which developed during the latter part of 1973, funding became tight and additional monies were necessary in order to complete phase two of the Greens of Inverrary. At this point, Martin Kane had borrowed approximately $3,000,000, using phase one, which had been completed, as collateral. The government contends that both of the Romano brothers were aware of this situation. According to the government, Kane wished to complete phase two since the notes provided by I.O.T.A. as partial payment for sale of

the stock in K.R.R., Inc. would be worthless unless a profit were generated from the Greens of Inverrary project. In order to generate additional monies, K.R.R., Inc. offered the recreation leases of phases one and two for sale. This resulted in an agreement being signed by Thomas, Frank and Mario Romano on July 25, 1974 to the effect that they would divide any finder's fee obtained as a result of any financial transaction which might occur with the Bergen and Passaic County Welfare and Pension Fund. Subsequently, on August 13, 1974, Thomas Romano offered to fund the two recreation leases for a price of $1,147,000. He met with the trustees of the fund on August 19, 1974 to discuss the sale of the leases and one week later, August 26, 1974, the trustees agreed to proceed with the purchase of the recreation leases. The closing on these leases occurred on October 10, 1974 with each of the defendants receiving $125,000 as their share of a $300,000 finder's fee. Much of the remaining money was used for payment to Republic Mortgage with a $50,000 payment being made to Haft-Gaines for the land.

In August of 1974, Thomas Romano also requested a 4.7 million dollar construction loan from the pension fund for construction of the Executive House of Inverrary. According to the government, Martin Kane and I.O.T.A. were unaware of the defendant's attempts to secure construction financing for the Executive House. It was noted that the defendant had previously attempted to obtain financing for the project through Republic Mortgage Investors, but was turned down when the defendants would not agree with the demand by Republic Mortgage that 50% of the office space be rented prior to construction. On September 23, 1974, the fund voted in favor of executing the 4.7 million dollar loan. The fund authorized their local counsel in Coral Gables, Florida to prepare a loan commitment letter notifying the Romanos that the fund had agreed to lend the money to the Romanos and/or a corporation that they controlled. Defendant Thomas Romano agreed to the terms of the loan commitment letter on October 10, 1974. The letter included a schedule of itemized expenses totalling $728,785 which the Romanos represented as their "out of pocket expenses" incurred in the pre-development stages of the Executive House of Inverrary. The government contends that these expenses were actually incurred by K.R.R., and not the defendants, noting that K.R.R. was a wholely owned subsidiary of I.O.T.A.

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Take Two/2B
Comics/4B
Action Line/5B

Local News

Monday, July 8, 1985 The Miami He... Section B

Prominent firms get county work

Lawyers contributed to campaigns of mayor, commissioners

By LETIA W. DUGGER
Herald Staff Writer

The Metro-Dade Commission has handed out millions in legal fees in recent years to five influential private law firms that gave Metro's mayor and eight commissioners $73,750 for their last campaigns.

Two of those firms also have led regular battles for private developers' interests before the Metro Commission on zoning matters, while representing Metro in other spheres. It is a relationship in which lawyers fight for and against Metro while supporting the commissioners' political ambitions.

The county attorney's office and members of the law firms that get the county business say the firms were chosen because of merit and the special circumstances that prompted the county to seek out outside legal help in the first place.

"Any success we've enjoyed is the result of quality of service," said Robert Traurig, whose firm has been paid $2.7 million in legal fees by Metro.

Critics of the relationship between Metro and the private firms say the county's legal work is dispensed to political favorites, who get a more attentive ear from the commission when they come before it as advocates for private clients.

"It's not just that they are great lawyers," said H.T. Smith, a former assistant county attorney now in private practice. "It's an unwritten understanding that when it comes time to divvy up the people's money, they're going to get a share of it. There's nothing illegal about it, but it should all be up on the table."

Lawyers like Smith who consider themselves "outsiders" point to Greenberg, Traurig, Askew, Hoffman, Lipoff, Rosen & Quentel, a firm that gave commissioners $21,250, as the classic "insider."

And while Traurig does not see politics playing a part in the commission's decisions on legal counsel, Metro Finance Committee Chairman Jim Redford concedes that pressure from Miami's growing and increasingly sophisticated law firms, who are politically generous at election time, influenced the county's 1982 decision to give them its lucrative bond work.

The county uses outside counsel on multimillion-dollar bond issues because underwriters who buy bonds and sell them to investors want a nationally known firm to certify the bonds are tax exempt.

Instead of continuing to use Brown, Wood, Ivy, Mitchell & Petty, the major New York firm it had relied on since the 1930s, the commission began rotating the business among local firms.

Redford said the commission, in making its decision on the bond work, was like an obscure tribe, the Potlatch

Please turn to BOND / 2B

Lawyers' Contributions

Total contri... counsel firms...

COMMISSIONER	
Barbara Carey	$ [illegible]
Steve Clark	$ [illegible]
Clara Oesterle	$ [illegible]
Bev Phillips	$ 5,850
Jim Redford	$ 10,550
Harvey Ruvin	$ 9,100
Barry Schreiber	$ 4,900
George Valdes	$ 5,500
Sherman Winn	$ 7,450
TOTAL	$73,750

* From [illegible]

PENCAD-Bayonne, N. J.
EXHIBIT
233
HOUSE

[illegible]
HOUSE MANAGERS' EXHIBIT 233

1969

On November 4, 1974, the government contends that the defendants caused K.R.R. accountant, Alan Freeman, to supply I.O.T.A. with an unaudited financial statement of K.R.R. for the nine months ending September 30, 1974. In their statement, I.O.T.A. was notified that the Executive House phase would not come to fruition and that the value of the land and all costs incurred for phase three had been reduced to allow for possible abandonment in the future. The government felt the letter to I.O.T.A. was designed to deceive I.O.T.A. into thinking that no financing was available for the Executive House project, when in fact, financing had been secured by the Romanos from the fund. It was further noted that a $50,000 payment due Haft-Gaines was delinquent and an additional $110,000 payment was coming due in January, 1975. Based on this set of circumstances, defendant Thomas Romano agreed to take the Executive House land in his own name and to assume all outstanding mortgage obligations. Martin Kane and I.O.T.A., whom the government claims were both unaware of the loan commitment with the fund, agreed to release the land to Thomas Romano.

On November 18, 1974, the defendants incorporated 4300 Rock Island Road, Inc. to build the Executive House. On November 29, 1974, they formed a limited partnership called Romano Brothers Limited in which defendants Frank and Thomas Romano held a 50% interest, Tony Roma a 40% interest, and the pension fund a 10% interest. It was agreed that Romano Brothers Limited would own the 4300 Rock Island Road Corporation. Additionally, as the defendants had represented that they had previously expended approximately $728,000 expenses in the project, the fund did contribute $72,800 which represented their 10% interest in the partnership.

On November 26, 1974, a notice of commencement was signed by the defendants, Thomas and Frank Romano, as president and secretary-treasurer of 4300 Rock Island Road Corporation and the pension fund to build the Executive House of Inverrary. The following day, the defendants signed a construction loan agreement in the amount of approximately 4.6 million dollars. An affidavit was also signed in which the defendants promised to use the monies received from the pension fund loan solely for the construction of the Executive House. On November 30, 1974, defendant Thomas Romano, as president of K.R.R., Inc., conveyed the Executive House real property to "Thomas Romano as trustee", subject to monies owed Haft-Gaines. The 10.61 acre tract was divided in two separate parcels by defendant Thomas Romano. A 4.966 acre plot was conveyed by Thomas Romano to the 4300 Rock Island Road Corporation while the remaining 4.61 acres remained titled to "Thomas Romano as trustee".

On December 17, 1974, the construction loan was closed by the fund's local counsel, David Allan, As part of the loan agreement, monthly financing requisitions would be made by the borrowers by way of release of liens in specific amounts from subcontractors. Monies would then be dispersed by the fund.

At the time of closing, an initial construction draw was received by the defendants in the amount of $800,000. Out of that draw, $558,479.20 was transferred to the 4300 Rock Island Road Corporation bank account and shown on their books as a credit to the loan account of the defendants. Shortly thereafter, two checks, one for $500,000 and one for $40,000 were drawn on the account and deposited in the defendants' joint personal checking account at the Bank of Hallandale and Trust Company in Hallandale, Florida. On December 20, 1974, $400,000 was withdrawn from the account to purchase 4-30 day certificates of deposit in the defendants' names. Additionally, it was determined by the government that the $72,800 amount advanced by the fund as their 10% interest in the partnership had also been deposited in the defendants' joint personal checking account.

For the next several months, monthly construction draws were made by the fund to the 4300 Rock Island Road Corporation for the Executive House construction. On April 30, 1975, the books of the 4300 Rock Island Road Corporation were closed and journal entries transerred to the books of Romano Brothers Limited. Between May and August of 1975, the defendants inflated the amount of construction costs by adding nonexistent subcontractors and suppliers to the construction draws. During this period of time, checks were made payable to the nonexistent subcontractors and endorsements on the checks forged by either Thomas or Frank Romano and presented to their bank for cash. Between May and August 19, 1975, checks totalling approximately $465,000 were drawn on the bank account of Romano Brothers Limited. When checks were cashed by the defendants, the money was normally provided in $100 bills and immediately deposited at the Bank of Hallandale.

It was reported that in June of 1975, a review of the books of Romano Brothers Limited reflected an entry of $558,479.20 as "due to Thomas Romano account". A correcting journal entry indicated that Thomas Romano had borrowed the money from the partnership. No accompanying documentation, such as a promissory note, appeared to have been executed in favor of Romano Brothers Limited.

In June of 1975, Thomas Romano requested an additional 1.8 million dollars in financing from the fund in order to convert the Executive House into a rental project and to purchase the additional 4.61 acres of land to build tennis courts. The additional loan was approved on June 20, 1975. On October 10, 1975, the financing was closed by the fund's local counsel and a total disbursement of 1.8 million dollars was made to Romano Brothers Limited. From that disbursement, Haft-Gaines received $695,091 as final payment on their mortgage held on the original 10.61 acres of land. Additionally, eight checks payable to nonexistent contractors totalling $75,000 were cashed between October 22 and October 30, 1975.

In March of 1976, a copy of Romano Brothers Limited partnership return for the period ending November 30, 1975 was received by the fund. At this point, the fund's accountants questioned a total of $1,072,800.20 which had been listed as "loans to partners". The following month, April, 1976, one of the fund's accountants traveled to south Florida to question the defendants regarding this entry. Both defendants reportedly responded that these were not loans and they would not be repaid. They reportedly told the accountant that the money was to repay themselves for their original outlay of $728,000 plus the increase in the market value over the cost of the 4.61 acres of land which Romano Brothers Limited had purchased from the defendants on October 2, 1975.

According to government records, part of the proceeds received by the defendants were utilized for the purchase of a restaurant in Hallandale, Florida. Records reflect that on April 8, 1975, defendant Thomas Romano purchased a parcel of land located at 906 East Hallandale Beach Boulevard, Hallandale, Florida. In May of 1976, the defendants incorporated the Sea Inn of Hallandale, Inc. On May 5, 1976, Thomas and Frank Romano redeemed two $100,000 certificates of deposit and purchased two $100,000 certified bank checks which they deposited into the checking account of the Sea Inn of Hallandale, In. The money was subsequently used by the defendants to purchase the existing structure at 906 East Hallandale Beach Boulevard which was remodeled and developed into a restaurant known as the Sea Inn of Hallandale. The restaurant has since been sold by the defendants.

U.S. Grand Juries in New Jersey and south Florida began investigating the overall loan transaction in early 1976. The investigation resulted in a 21 count indictment being returned against the defendants, Thomas and Frank Romano, on November 28, 1978. The government charged that the defendants fraudulently obtained in excess of $1,000,000 from the pension fund and utilized a portion of these funds to purchase what became known as the Sea Inn of Hallandale Restaurant. Additionally, the government charged that the defendants failed to pay income taxes on the monies. Both defendants appeared before U.S. Magistrate Peter Palermo on November 29, 1978 and entered pleas of not guilty to the charges. Each posted a $25,000 Personal Surety Bond. On December 24, 1980 following a three week jury trial, the defendants were both convicted of all charges contained in the indictment. Each defendant was required to execute a $100,000 appearance bond with the court to remain at liberty pending sentencing. Both defendants remain at liberty pending the completion of the presentence investigation.

Payments on the total 6.4 million dollar loan from the pension fund were to begin in January of 1976. The Executive House project was completed and in 1977, the fund filed to foreclose on the mortgage and take over the property. In August of 1977, the defendants deeded the property to the pension fund in lieu of foreclosure.

Defendant's Version of the Offense. Both defendants, Frank and Thomas Romano, agree that their statement regarding the facts of this case would be the same and the following statement therefore applies to both defendants. The defendants are quick to point out that they do not contest much of the documentation provided at the trial, noting that a majority of the government exhibits were stipulated to by the defendants. However, it is their contention that the government prosecution neglected to bring out certain facts which they feel would have completely exonerated them. They deny any criminal actions in regards to their dealings with the Bergen and Passaic County Pension Fund.

According to the defendants, they had just completed the Andover Apartment project in Broward County, Florida in 1972 when they decided to become involved with a builder by the name of Martin Kane in south Florida. The defendants knew Jack Caines of Haft-Gaines, Inc. and struck a deal with him for the purchase of land. Additionally, the defendants

put up $40,000 in a partnership agreement with Martin Kane and agreed to handle the actual construction of a proposed four phase project. Kane was to also put up $40,000 and would be responsible for putting up all "front money" from that point on, to include securing construction loans. The defendants initially purchased in excess of ten acres of land and were able to secure construction money from Republic Mortgage Investors. Both defendants indicated that initial sales were excellent and phase one of the project known as the Greens of Inverrary had been sold out even before the models were finished. Additionally, phase two models began selling quite well. According to the defendants, Kane insisted they purchase land for phase two at $80,000 per acre and also insisted they purchase land for phase three (which would be the Executive House) for approximately $100,000 per acre.

According to the defendants, Kane conceived the idea of becoming involved with I.O.T.A. Industries, Inc. He reportedly suggested to the defendants that they get a company with extensive tax losses to buy their stock so they could receive a capital gain. Defendant Thomas Romano reported he was not particularly happy with the deal but decided to go along with it. At the closing, Thomas Romano had Kane provide him with a letter which stated that regardless of the I.O.T.A. deal, their partnership would continue and Kane would still be responsible for securing front money for the project. Subsequently, the stock in K.R.R., Inc., the corporation formed by the defendants and Kane for construction of the project, was sold to I.O.T.A.

The defendants reported that as part of the transaction, Kane borrowed approximately $1,000,000 from Mas West for I.O.T.A. on a three month note. The money was used for a cash payment to the principals of K.R.R. as part of the stock purchase. The defendants indicated they were concerned because I.O.T.A. at the time was financially unstable and it was necessary for Kane to guarantee the loan. The defendants reported they also agreed to guarantee it as they had owned 50% of the stock as well.

At this juncture, the defendants claimed that Republic Mortgage had provided them with a commitment to give the Executive House project a 4.2 million dollar loan. At this point and time, phases one and two began experiencing liens against them and Kane was having difficulty securing front money. The defendants

reported that they had also been doing business with First National Bank of Hialeah and at one point needed $300,000 to bond existing liens for letter of credit. Although they indicated it was Kane's responsibility to cover the money, they agreed to pledge certificates of deposit as Kane was unable to secure the money. The certificates of deposit were subsequently seized by the bank for nonpayment of the debt and the defendants subsequently sued Kane for return of the money, eventually winning a judgment by settling for $112,000.

The defendants reported that money continued to be tight and the only assets they had at the time were the two recreation leases from phases one and two of the Greens of Inverrary. They did report that Republic Mortgage agreed to an additional $200,000 which was not nearly enough to solve their financial troubles with the project. At this point, they all agreed to sell the recreation leases. The defendants indicated they advertised in a New York publication and received a call from Sal Briguglio, a business agent and trustee for Teamsters Local 560 in New Jersey. He invited the defendants up to explain the recreation lease proposition to the board of trustees. The defendants reported they did go to New Jersey and during their discussions, they suggested and discussed the possibility of a construction loan. Upon their return to south Florida, the defendants told Republic Mortgage they had a potential buyer at which time Republic Mortgage did provide an additional $200,000.

The defendants reported that as part of the agreement, all money secured from any loan from the pension fund would go into the construction project following payment of expenses. Additionally, the defendants claimed that all documentation between themselves and the fund was completed as "K.R.R., Inc., Thomas Romano, president".

The defendants reported that at this time, K.R.R. owned property on which Haft-Gaines, Inc. was preparing to foreclose. If Haft-Gaines foreclosed on phase three, the Executive House of Inverrary, they would automatically close on phase one and two. Additionally, Mas West was a third mortgager and the defendants report that their collateral would have been wiped out if Haft-Gaines had foreclosed. The defendants indicated that all negotiations with the fund at this time were done with the complete understanding of Martin Kane. Contrary to the government's contention that Kane was unaware of the defendant's negotiations for a construction loan, the defendants cited discrepancies in Grand Jury testimony on the part of Kane in regards to his actual knowledge of their intentions for the money. They noted that at a deposition

Kane claimed the balance of the Republic Mortgage was approximately $3,000,000. They noted that if they had been negotiating to secure approximately 4.7 million dollars in funds to replace the existing mortgage on phases one and two, the balance of the money would have in no way provided them with any "working capital" to continue with the project. The defendants therefore contend that Martin Kane was well aware of their intentions to secure financing as well as the purpose for said financing.

The defendants continually emphasize that it was Martin Kane's responsibility in the partnership agreement to provide "front money". They did report that as a condition of the sale of their stock to I.O.T.A., they were each owed 2.4 million dollars to be paid by 47% of K.R.R.'s profit. They indicated that although they were not stockholders at this time, they did remain salaried employees. At this point, Kane was looking for approximately $3,000,000 in "front money". They report that Kane subsequently did utilize approximately $3,000,000 from the K.R.R. construction account. The defendants claimed that the account belonged to all of them and they, therefore, were entitled to half of that money.

According to the defendants, a letter provided to I.O.T.A. indicating that the Executive House project would not come to fruition was actually requested by the president of I.O.T.A. to protect them with the Securities and Exchange Commission. According to the defendants, the president of I.O.T.A. did testify in the trial that it was decided to drop phase three and possibly the whole project, as early as a meeting in August of 1974. At this point, the defendant reports that they did agree to take over the land and to sue the project. They are adamant in the fact that at all negotiations, they were representing K.R.R., Inc., not themselves.

As reported by the government, monies in excess of $1,000,000 were taken by the defendants from the loan proceeds of the pension fund. The defendants vehemently claim that all monies taken by them were with the complete understanding of the fund as being monies owed them for expenses previously incurred in preparing the property for development as well as the increased value of part of the land. They pointed out that any money left over following the completion of a project goes to the developer, noting that the project was completed and was subsequently turned over to the fund. In fact, the defendants claim that the fund paid them $500 per week plus $1,000 per day in expenses to locate someone to lease the building for the fund.

The defendants claim that this case was a result of the government's feeling that they had some type of information regarding the demise of Jimmy Hoffa. They feel that if anyone was guilty of criminal misconduct in this case, it was Martin Kane. They continue to deny any guilt whatsoever in the case and feel that all monies they received during the development of the project were owed them.

PRIOR RECORD:

None.

PERSONAL AND FAMILY DATA:

Defendant. The defendant, Thomas Romano was born on March 20, 1916 in Italy, the oldest of three children born to the union between Michael and Giovanna Romano. He was raised by his natural parents and came to the United States with his parents in 1920, first settling in New Haven, Connecticut. Shortly thereafter, his brother, Frank was born and in 1924, the family relocated to Brooklyn, New York where the defendant remained during his formative years. He attended formal schooling in Brooklyn, New York leaving high school in 1933 with only one-half credit needed to graduate. It was necessary for him to quit school as the country was in the height of the depression and it became necessary for him to seek work and help the family financially. He did subsequently study construction and concrete work by attending two years of night school at the Mechanic School of New York, completing courses in 1935.

In 1940, the defendant married his first wife, Lillian, with two children resulting from this union which ended in divorce. He also became involved as a construction superintendent for a New York firm and became one of the youngest construction supervisors at the time. During World War II, the defendant helped supervise construction of a magnisium plant in Las Vegas, Nevada as well as a project in Hawthorne, Nevada, both defense projects. Following the war, the defendant and his brother, Frank Romano, a codefendant in this case, went into the construction field and were first involved with the restoration of the Montauk Manor Hotel. They became involved in the housing industry and completed several housing developments in Virginia, New Jersey, Maryland, the District of Columbia and Long Island, New York. Following completion of the projects in Long Island, the defendant and his brother relocated to the south Florida area, this

occurring around 1959. Over a decade, the defendant and his brother, experienced success in the construction industry, primarily involved with the development of apartment complexes in the Broward County, Florida area. In the early 1970's the construction industry began to falter and following sale of a project known as the Andover Apartments, the defendants became involved with Martin Kane in a partnership agreement to develop a project in Lauderhill, Florida which became the subject of the instant offense.

Additionally, the defendant built and operated a restaurant in Hallandale, Florida which is now the subject of criminal forfeiture proceedings following the defendant's conviction for the instant offense. He has since been primarily unemployed, awaiting the outcome of this case. He has been involved most recently in the development of the eight unit apartment complex in which he currently resides. Since 1969, the defendant has had two other marriages and divorces and currently resides alone at his present residence. He does maintain close ties with immediate family members.

Parents and Siblings. The defendant's father, Michaeal Romano died onNovember 14, 1975 from a heart attack at the age of 85. He had been involved for a number of years as a plastering contractor in the New York area. The defendant's mother, Giovanna Romano, age 88, currently resides at 141 N.E. Tenth Avenue, Hallandale, Florida.

The defendant has two brothers. Frank Romano, age 60, currently resides at 136 Golden Isles Drive, Hallandale, Florida and is a self-employed builder. He is a codefendant in the instant offense. Mario Romano, age 55, currently resides at 1907 N.W. 90 Lane, Coral Springs, Florida.

Marital. The defendaht married his first wife, Lillian, in Brooklyn, New York on February 1, 1940. Two children resulted in this union which did subsequently end in divorce.

The defendant's children, identical twins, are as follows: Johanna Shore, age 40, has been a widow since her husband died in a plane crash approximately five years ago. She resides at 22645 Laquinta Drive, Mission Viejo, California with her children. The defendant's other daughter, Veronica Pierson, currently resides with her husband at 22726 LaVina Drive, Mission Viejo, California.

Both daughters relate that they grew up in the parental home in New york and both spoke endearingly of their father, indicating that he gave himself to them in every respect. They report he always spent a lot of time with the family and that their relationships have always been very open. They absolutely refuse to believe that the defendant is guilty of any wrongdoing, stating that he has always been a very hard working and honest individual who imparted such values to them during their youths.

The defendant's second marriage was to Miriam Cohr in Ft. Lauderdale, Florida on May 1, 1969. No children resulted in this union which ended in divorce. The defendant had a third marriage to Valarie Harlik on June 5, 1978 in Hallandale, Florida. However, this union has also ended in divorce. The defendant does maintain an excellent relationship with his children and also remains friendly with his ex-wives and is still considering the possibility of remarrying his ex-wife Valarie.

Education. The defendant was educated in New York, last attending high school at New Utrecht High School in Brooklyn, New York in 1933, leaving with only one-half credit needed to graduate. It was necessary for him to go to work as the country was at the height of the depression at that time. For the next two years, he did study construction estimating in a concrete supervison at the Mechanical School of New York in New York City, New York. He utilized that particular pursuit as the basis for his subsequent employment career.

Employment. During World War II, the defendant was involved in several government projects, including the supervision of construction of a magnisium plant in Las Vegas, Nevada, as well as ammunition depots in Flagstaff and Hawthorne, Nevada.

Following the war, the defendant and his brother went into the construction field, their first project being the restoration of the Montauk Manor Hotel. They subseuqently became involved in the housing industry, developing several housing projects in Virginia, New Jersey, Maryland, the District of Columbia and Long Island, New York.

In 1959, the defendants relocated to south Florida to continue in the construction field. Records do reflect that as early as 1960 the defendant held a 14% interest in the Taromina Development Corporation, 2801 N.E. 26 Street, Ft. Lauderdale, Florida. The corporation did obtain property on Seminole Beach which was immediately subleased to the Taromina Apartments, Inc. and the defendant subsequently built a 98 unit co-op apartment complex at 1936-44 South Ocean Drive, Hallandale, Florida. Over the next several

years, the defendant and his brother, Frank became successful developers in south Florida, completing a number of construction projects including the Virginia Street Apartments, Sand Piper Towers, Georgetown Estates, Presidential Towers, and the Talton Manor Apartments. However, in the early 1970's, the energy crisis caused a slump in the construction industry. Records do indicate that in 1972, the defendant and his brother did complete a project known as the Andover Apartments in Lauderhill, Florida, a project with over 200 units. This project was sold to Howard Garfinkle d/b/a Howbar of Florida, Inc. on May 25, 1972 for $1,694,100. However, the entire sale price was encumbered by a first mortgage in the amount of $1,394,100 and a $300,000 second mortgage with a New York firm.

Shortly after selling the Andover complex, the defendant and his brother entered into a partnership agreement with Martin Kane to develop a project which became the subject of the investigation into the instant offense. On November 9, 1972, the defendant became president of K.R.R, Inc. which was incorporated for the purpose of constructing the Greens of Inverrary. The land was purchased by K.R.R., Inc. in December of 1972 from Haft-Gaines, Inc. with a mortgage of $1,515,307. Additionally, a construction loan was secured from Republic Mortgage Investors in the amount of $3,452,000. On December 21, 1973, the defendant and other principals of K.R.R., Inc. sold all their stock to a Florida corporation know as I.K.R., which was a wholely owned subsidiary of I.O.T.A. Industries, Inc., a Delaware corporation. The defendant did remain a salaried employee of K.R.R. earning $500 per week.

On November 18, 1974, the defendant became president of 4300 Rock Island Road Corporation which was incorporated for the construction of the Executive House of Inverrary, the principle subject of the instant offense. Additionally, on January 13, 1975, he became a 25% general partner in Romano Brothers Limited which had been incorporated for the Executive House project and became the sole corporation involved with the project following the closing of the records of the 4300 Rock Island Road Corporation in April of 1975. It is noted that the defendant's interest in the partnership was increased to 45% on November 18, 1975 following the resignation of one of the other general partners, Tony Roma. It is noted that Romano Brothers Limited did complete construction of the Executive House project but was unable to keep up the payments on a 6.4 million dollar construction loan which resulted in Romano Brothers Limited turning over the Executive House project to the Bergen and Passaic County Pension Fund on August 26, 1977 for $5,407,000. No cash was involved as the sale was completed in lieu of foreclosure.

In May of 1976, the defendant became president of the Sea Inn of Hallandale, Inc. which was incorporated for the purchase and operation of the Sea Inn of Hallandale Restaurant. The restaurant, purchased in May of 1976, is the subject of criminal forfeiture proceedings by the government as a result of the defendant's conviction in this case. It is noted that the restaurant was sold on December 5, 1978 to Pandra Enterprises, Inc. for $1,000,000, subject to an existing mortgage of $179,923. The defendant and his brother, Frank, did extend an $800,000 wrap around mortgage payable by Pandra Enterprises in the amount of $6,944 per month. Since February of 1981, all payments have been held by the U.S. District Court Clerk pending the outcome of the forfeiture proceedings.

The defendant was most recently involved in a project known as Captain's Paradise which constructed the eight unit apartment complex in which he currently lives. The defendant received his apartment unit free and clear as payment for his participation in the project.

The defendant does hope to continue in the construction industry, preferably out of the south Florida area following disposition of this case.

HEALTH:

Physical. The defendant is 5'4" tall and weighs 165 pounds. He has an eight inch scar in the lower left part of his abdomen, the result of a kidney stone operation. He first had a severe heart attack in 1963 and is currently under the medical treatment of Dr. Peter S. Irving, M.D. an internal medicine specialist. Dr. Irving reported that the defendant has been a patient of his since September of 1979. He states that Mr. Romano was hospitalized in May of 1980 for ten days for unstable angina and again in December of 1980 for eight days with unstable angina. This second hospitalization occurred during the trial in the instant offense. He reports the defendant currently takes various medications, including isordil, inderal, quinadine, valium and nitroglycerine.

Mental and Emotional. The defendant denies any past or present treatment for psychological or emotional problems and describes himself as mentally and emotionally sound. He did impress this officer as being of above average intelligence and appears to be the more dominant of the two defendants, the other being his brother, Frank. Mr. Romano appeared to recognize the seriousness of his present involvement and was fully cooperative with this officer in

providing background information and his version of the case. He continues to vehemently deny any criminal actions in reference to the instant offense and feels that he will be exonerated on appeal. He is reported to be a strong family man and a good father to his children, both of whom are grown and residing on the west coast.

FINANCIAL CONDITION:

Assets. The defendant's only source of income at the present time is $1,800 per year income from a recreation lease. He does own 25% interest in a parcel of land in Oxon Hill, Maryland and has approximately $10,000 in a savings account. His present residence will be worth approximately $165,000 when all legal litigation is completed. He does hold part of an $800,000 wrap around mortgage given to Pandra Enterprises for the Sea Inn of Hallandale, Inc. which pays a total of $6,944 per month. However, all monies are currently being deposited with the U.S. District Court Clerk pending the disposition of criminal forfeiture proceedings.

Liabilities. Regarding the Sea Inn of Hallandale property, the defendant and his brother are paying $2,353.91 per month to the Bank of Hallandale and Trust Company on the original $200,000 loan. The defendant anticipates mortgage payments on his present residence of approximately $1,200 per month which will include taxes, insurance, fees and repairs. He does owe $10,000 to his sister-in-law Louima Romano. Additionally, the defendant pays those hospital expenses which are not covered by his health insurance.

Due to his conviction for racketeering offenses, the defendant is involved in criminal forfeiture proceedings involving approximately $600,000. Additionally, he is one of several defendants being sued by a trustee for I.O.T.A. Industries, Inc. for damages stemming from the facts outlined in the instant offense. The defendant is also being sued in Broward County Circuit Court for damages by the pension fund.

EVALUATION:

The defendant is before the court for sentencing following a jury verdict of guilty to criminal offenses, including participation in an enterprise through a pattern of racketeering activity, mail fraud, wire fraud, embezzlement of employee pension benefit plan, using and investing racketeering income in an enterprise and income tax violations. The offenses, contained in a 21 count indictment, stemmed from an investigation into the activities of the defendant and his brother, codefendant Frank Romano, regarding the receipt of a construction loan

from a New Jersey based teamsters pension fund. The government charged that the money was obtained through misrepresentations and a total of over $1,000,000 reportedly taken by the defendant and his brother from the fund for their personal use.

Thomas Romano was born in March of 1916 in Italy, the first of three children born to the union between Michael and Giovanna Romano. He came to the United States with his parents in 1920, initially settling in Connecticut. The majority of his former years, however, were spent in New York where the defendant completed formal schooling through 1933 when he was forced to quit due to the fact that the country was at the height of a depression. At the time, he was one-half credit from graduating and did complete two years of courses at the Mechanical School of New York studying construction estimating in concrete supervision. During the war, the defendant worked on several government defense projects while his brother, Frank, served in the Army Air Corp. Following the end of the war in 1945, the defendant and his brother went into the construction business and over the next several decades, developed several housing projects and apartment complexes. The defendant and his brother relocated to south Florida in 1959 and successfully completed over a half a dozen major construction projects prior to the energy crisis and resulting drop in construction in the early 1970's. His subsequent projects, the Greens of Inverrary and the Executive House, were the subject of the government's case in the instant offense.

From all indications, it was apparent that the energy crisis of the early 1970's which severly hampered the construction industry could have very well played a major part in the difficulties experienced by the defendant and his brother in obtaining construction loan financing. From a review of available records, it is apparent that the government's interest in the defendant stems directly from a probe which began in 1975 of individuals whom the government believe had some involvement in the disappearance of former Teamster official Jimmy Hoffa. Government interests appear to be specifically concerned with the relationship between both defendants, Thomas and Frank Romano, and Anthony Provenzano, then president of Teamster Local 560 in New Jersey and a reputed member of the Vito Genovese LCN crime family. Of particular interest to investigators appear to be several real estate transactions which took place between Provenzano and the defendant in November of 1974, within weeks of

tne Romanos' approval for the construction loan. Records indicated that the defendant sold a residence, previously advertised approximately ten months earlier with a real estate agent for $135,000, to Anthony Provenzano for $115,000. At the time, the residence had been assessed for tax purposes at $100,450. On the same date of this transaction, the defendant paid $77,000 cash for two properties sold to him by Provenzano. What interested law enforcement authorities was the fact that county tax records showed that the total assessment for the two properties purchased by the defendant came to a total of $28,980, well below the amount paid by the defendant. Law enforcement authorities were therefore curious about what role, if any, Provenzano played in arranging for the teamster loan. Both the defendant and his brother, codefendant Frank Romano, have vehemently denied any connection between Provenzano and the granting of the construction loan, indicating that they would have already had access to the teamsters if they had needed assistance as the defendant's ex-wife, Miriam had previously been married to an individual named Jack Backus, a high ranking individual with the teamsters.

The government, represented by special attorney James Diechert feels incarceration to be appropriate in this case. He cites, in particular, the magnitude of the crime and the ongoing nature of criminal actions for which the defendant was found guilty. He also notes the potential deterrent effect the imposition of a confinement sentence would serve to render. The government feels that the trial clearly showed that both defendants consciously misrepresented the availability of construction financing and then proceeded to remove in excess of $1,000,000 from monies provided by the fund as expenses the defendants felt were owed them. It was pointed out that as of December, 1973 all assets in K.R.R., Inc., of which the defenants were officers, belonged to I.O.T.A. Industries, and not the defendants. Furthermore, 2.4 million dollars in notes provided the defendants as partial payment for his stock were to be paid from the "profits" generated by K.R.R., Inc. in their development of the Greens of Inverrary. The government emphasized that a lack of profit generated would, in effect, make the notes worthless, describing the defendant's actions and originally selling the stock as a gamble. Mr. Diechert felt the case itself showed that the defendant misled, deceived and manipulated third parties and that he engaged in a cover up of his actions by using a "loan" defense. The government indicated that the defendant admitted to building a cash hoard to bribe trustees if need be and he showed a willingness to pay money under the

table in order to sell recreation leases. Furthermore, Mr. Diechert felt the finder's fee received in cash by the defendant was abnormally high for the amount for which the leases were sold and he emphasized the fact that the agreement was back dated. Mr. Diechert felt the monies taken caused a detrimental impact on the pension fund and noted that the defendant's conviction in count 21 of the indictment involved the defendant's receipt of $67,051 in a tax refund based on the filing of a false application for refund. Mr. Diechert, on behalf of the government, feels that aside from a confinement sentence, the defendants should receive a fine, restitution and be required to pay the cost of prosecution.

The defendant, represented by Neil Sonnett, indicates that he does plan to appeal the convictions. Mr. Sonnett questioned the applicability of the RICO prosecution and felt the complexity of the case might have confused members of the jury. Mr. Sonnett did point out that he was not the attorney who originally tried the case and that he is still in the process of reviewing the extensive documentation which will assist him in the appeal. He did indicate that he felt incarceration would serve no purpose and described the defendant as a candidate for probation.

Alternative Plans. Should probation be granted by the court or should the defendant come under the probation office jurisdiction by way of the parole process, supervision would be utilized to monitor the defendant's business and financial transactions and associations. The defendant does hope to return to the construction field and at this point and time is looking towards the possibility of relocating with his brother to some area outside of south Florida.

Sentencing Data. The following national statistical information was obtained from the Statistical Analysis and Reports Division of the Administrative Office of the United States Courts for the fiscal year ending June, 1979. Local statistics were compiled by the Probation Office for the Southern District of Florida through the fiscal year ending June, 1980.

1992

RACKETEERING

	NATIONALLY		SD/FL	
	NUMBER	PERCENT	#	PERCENT
Total defendants sentenced:	65		17	
Fine only:	7	11	0	0
Received probation:	6	9	1	6
Split sentence:	27	42	1	6
Imprisonment:	25	38	15	88
Average sentence of imprisonment was:	76	Months	193	Months

Salient Factor Score*: 11 Offense Severity Rating: Greatest I

Term likely to be served: If defendant is committed, it is likely he will serve between 40 and 52 months according to the Parole Commission Guidelines.

*These are estimates of the U. S. Parole Commission score.

Respectfully submitted,

George S. Thompson

George S. Thompson
U.S. Probation Officer

Approved:

Frank Schwartz, Supervising
U.S. Probation Officer

GST:hcb
May 5, 1981

UNITED STATES OF AMERICA

vs.

THOMAS ROMANO
DOCKET NO. 78-364-Cr-ALH

OFFENSE:Counts 1 & 6:Participating in conduct of an enterprise through a pattern of racketeering activity, 18:1962 & 1963
Counts 2,3,5 & 12:Mail fraud, 18:1341
Counts 4,7,8,9,10 & 13:Wire fraud, 18:1343
Counts 11 & 14: Embezzlement from employee pension benefit plan, 18:664
Count 15:Using and investing racketeering income in an enterprise, 18:1962(a) & 1963
Counts 16,18 & 20:Income tax, 26:7206(1)

PENALTY:Counts 1 & 6:M/S $25,000-20 years, or both, as to each count.
Counts 2,3,5 & 12:M/S $1,000-5 years, or both, as to each count.
Counts 4,7,8,9,10 & 13:M/S $1,000-5 years, or both, as to each count.
Counts 11 & 14:M/S $10,000-5 years, or both, as to each count.
Count 15:M/S $25,000-20 years or both
Counts 16,18 & 20:M/S $5,000-3 years, or both, as to each count.

RECOMMENDATION:

Based on the information contained in this report, the following is respectfully recommended.

As to count one of the indictment, it is respectfully recommended that the defendant be committed to the custody of the Attorney General or his authorized representative for a period of three (3) years.

As to each of counts two through fifteen, sixteen and eighteen, it is respectfully recommended that the defendant be committed to the custody of the Attorney General or his authorized representative for a period of three (3) years. It is further recommended that these sentences run concurrent with one another and concurrent to the sentence imposed in count one.

As to count twenty of the indictment, it is respectfully recommended that the imposition of sentence of confinement be withheld and the defendant be placed on probation for a period of three (3) years. It is further recommended that the probation begin upon the expiration of the sentence imposed in count one.

It is recommended that the defendant be granted voluntary surrender and be considered for sentencing under the provisions of Title 18, U.S.C., Section 4205(b)(2).

RESPONDENT'S EXHIBIT #2

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

MATTER OF:

COMPLAINTS FILED AGAINST
UNITED STATES DISTRICT JUDGE
ALCEE L. HASTINGS

VOLUME III

TRANSCRIPT OF PROCEEDINGS BEFORE THE INVESTIGATING COMMITTEE IN ATLANTA, FULTON COUNTY, GEORGIA, ON WEDNESDAY, MAY 22, 1985, IN THE ABOVE-STYLED MATTER.

MEMBERS OF THE COMMITTEE:

THE HONORABLE JOHN C. GODBOLD, PRESIDING
THE HONORABLE GERALD B. TJOFLAT
THE HONORABLE FRANK M. JOHNSON, JR.
THE HONORABLE SAM C. POINTER, JR.
THE HONORABLE WILLIAM C. O'KELLEY

APPEARANCES OF COUNSEL:

REPRESENTING THE COMMITTEE: JOHN BOAR, ESQ.
G. STEWART WEBB, JR., ESQ.

LINDA E. FINCANNON
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
1949 U. S. DISTRICT COURTHOUSE
ATLANTA, GEORGIA 30303
[404] 221-3724

JUDGE GODBOLD: ANY OTHER QUESTIONS BY ANYONE?

MR. WEBB.

MR. WEBB: NO QUESTIONS.

JUDGE GODBOLD: THANK YOU.

YOU MAY STEP DOWN.

COURT WILL BE IN RECESS OR PROCEEDINGS WILL BE IN RECESS FOR FIVE MINUTES.

(THEREUPON, THE PROCEEDINGS WERE RECESSED AT 9:35 O'CLOCK A.M., AND THEN RECONVENED AS FOLLOWS.)

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THE CLERK: RAISE YOUR RIGHT HAND, SIR.

MR. DREDGE: NO. I DON'T BELIEVE I WANT TO.

JUDGE GODBOLD: MR. DREDGE, LET ME EXPLAIN TO YOU WHAT THIS PROCEEDING IS ABOUT.

I'M JOHN GODBOLD. I HAVE BEEN A CIRCUIT JUDGE FOR 19 YEARS. I'M CHIEF JUDGE OF THE ELEVENTH CIRCUIT COURT OF APPEALS. BEFORE THAT I WAS CHIEF JUDGE OF THE FIFTH CIRCUIT COURT OF APPEALS.

ON MY LEFT IS JUDGE FRANK JOHNSON WHO WAS A FEDERAL DISTRICT JUDGE FOR ABOUT 25 YEARS AND HAS BEEN A FEDERAL CIRCUIT JUDGE FOR FIVE YEARS.

THIS IS JUDGE TJOFLAT FROM FLORIDA WHO HAS BEEN A STATE COURT JUDGE, A FEDERAL DISTRICT JUDGE FOR FIVE YEARS AND A CIRCUIT JUDGE FOR TEN YEARS.

AT THE END DOWN HERE IS JUDGE WILLIAM O'KELLEY OF ATLANTA WHO HAS BEEN A FEDERAL DISTRICT JUDGE FOR 15 YEARS.

THIS IS CHIEF JUDGE POINDER OF THE NORTHERN DISTRICT OF ALABAMA WHO HAS BEEN A FEDERAL DISTRICT JUDGE FOR 15 YEARS.

THIS IS NOT A CRIMINAL PROCEEDING. IT IS NOT A GRAND JURY PROCEEDING. IT IS A PROCEEDING THAT WE ARE REQUIRED BY LAW TO CONDUCT BECAUSE A SWORN COMPLAINT HAS BEEN FILED ALLEGING THAT JUDGE HASTINGS HAS ENGAGED IN CONDUCT THAT INTERFERES WITH THE ADMINISTRATION OF JUSTICE.

WHEN SUCH A COMPLAINT IS FILED THAT GOES TO THE INTEGRITY OF THE JUDICIAL SYSTEM, I AM REQUIRED AS CHIEF JUDGE OF THE CIRCUIT TO APPOINT AN INVESTIGATING COMMITTEE COMPOSED OF MYSELF AND AN EQUAL NUMBER OF CIRCUIT AND DISTRICT JUDGES.

THAT IS WHY THIS COMMITTEE COMES TO BE APPOINTED.

THE RESPONSIBILITY IS PUT UPON US BY LAW TO CONDUCT AN INVESTIGATION TO DETERMINE IF JUDGE HASTINGS HAS IN FACT ENGAGED IN THE ACTIVITIES THAT HE IS ALLEGED TO HAVE ENGAGED IN.

OUR UNDERTAKING IS TO FIND OUT WHAT THE TRUTH IS, WHATEVER IT MAY BE.

THESE PROCEEDINGS ARE CONFIDENTIAL. THE TWO COUNSEL FOR THE COMMITTEE, MR. DOAR AND MR. WEBB, ARE SWORN TO CONFIDENTIALITY. PROBABLY YOU KNOW WHO MR. DOAR IS.

MR. DREDGE: MET HIM THIS MORNING.

JUDGE GODBOLD: HE WAS, DURING THE DIFFICULT TIMES OF DESEGREGATION IN THE SOUTH, WAS AN ATTORNEY FOR THE DEPARTMENT OF JUSTICE AND TOOK A STRONG ROLE IN REPRESENTING THE GOVERNMENT IN THE INTEREST OF BLACK PEOPLE IN THE DESEGREGATION DAYS.

MR. WEBB IS AN ATTORNEY FROM BALTIMORE AND WAS FORMERLY LAW CLERK TO DISTRICT JUDGE ALEX HARVEY OF THE DISTRICT OF MARYLAND.

MR. EVANS OVER HERE IS A COURTROOM DEPUTY FOR JUDGE O'KELLEY.

THE COURT REPORTER IS THE COURT REPORTER FOR JUDGE O'KELLEY.

THEY TOO ARE SWORN TO CONFIDENTIALITY.

WHEN THESE PROCEEDINGS ARE COMPLETED, A TRANSCRIPT OF THEM WILL BE PREPARED WHICH IS CONFIDENTIAL BY LAW.

WHEN THE COMMITTEE HAS COMPLETED ITS INVESTIGATION, IT IS REQUIRED BY LAW TO FILE A REPORT AND RECOMMENDATIONS WITH THE JUDICIAL COUNCIL OF THIS CIRCUIT. THE JUDICIAL COUNCIL IS COMPOSED OF ALL THE CIRCUIT JUDGES AND THREE FEDERAL DISTRICT JUDGES FROM THIS CIRCUIT.

THE COUNCIL THEN STUDIES THE MATTER, CONSIDERS THE RECOMMENDATIONS OF THE COMMITTEE AND IN TURN MAY MAKE RECOMMENDATIONS AS TO WHAT SHOULD BE DONE IN THE MATTER.

ITS REPORT IS CONFIDENTIAL.

JUDGE HASTINGS AND HIS ATTORNEY HAVE TO BE OFFERED THE OPPORTUNITY OF BEING PRESENT AND PARTICIPATING. THEY HAVE DECLINED TO APPEAR. THEY ARE NOT HERE.

THE ONLY PEOPLE WHO HAVE BEEN PRESENT THROUGHOUT THESE PROCEEDINGS ARE THE PEOPLE YOU SEE HERE PLUS WITNESSES WHO HAVE BEEN PRESENT. NOBODY ELSE HAS EVEN BEEN PRESENT IN THE COURTROOM, AND NOBODY ELSE WILL BE PRESENT.

I NOTIFY YOU THAT UNDER THE CODE PROVISION 28 U.S.C. SECTION 372(C), THAT YOU ARE REQUIRED ALSO TO MAINTAIN THESE PROCEEDINGS CONFIDENTIAL AND ARE NOT PERMITTED TO REVEAL THEM TO ANY PERSON.

NOW, I HOPE THAT HELPS YOU UNDERSTAND WHAT IS GOING ON.

NOW, THE COMMITTEE BY LAW HAS SUBPOENA POWER. THE LAW PROVIDES THAT WE ASK THE COURT OF APPEALS TO ISSUE SUBPOENAES.

THE REQUEST FOR SUBPOENAES HAVE BEEN SEALED. THE SUBPOENAES HAVE BEEN ISSUED BY THE CLERK OF THE COURT OF APPEALS UNDER SEAL.

THEN IN ORDER TO KEEP THE MATTER AS CLOSELY CONFINED AS POSSIBLE, THE SUBPOENAES HAVE BEEN DELIVERED TO MR. BOAR WHO IS COUNSEL FOR THE COMMITTEE. HE IN TURN HAS DELIVERED THE SUBPOENAES TO AGENTS OF THE F.B.I. WHO HAVE SERVED THEM AS THEY DID IN YOUR INSTANCE.

IS THERE ANYTHING ELSE YOU THINK I MIGHT TELL MR.

DREDGE THAT WOULD BE HELPFUL?

JUDGE JOHNSON: NOT NOW.

JUDGE GODBOLD: I HOPE THAT HELPS YOU UNDERSTAND WHAT IS OCCURRING, SIR.

OF COURSE, YOU ARE REQUIRED UNDER THE LAW TO TESTIFY.

MR. DREDGE: I DIDN'T WANT TO BE SWORN BECAUSE I REALLY DON'T BELIEVE THAT I SHOULD BE HERE.

I ENTERED INTO AN AGREEMENT WITH THE UNITED STATES GOVERNMENT. THAT WAS THE ENTIRE UNITED STATES GOVERNMENT. I SAY THAT BECAUSE IT'S, THEY HAVE BEEN MAKING OR ATTEMPTING TO MAKE A DISTINCTION WITH ME ABOUT THREE DIFFERENT PARTS OF THE GOVERNMENT.

WHILE THAT MAY BE TRUE, IT WAS NEVER POINTED OUT TO ME BY THE UNITED STATES GOVERNMENT WHEN I ENTERED INTO THIS AGREEMENT THAT I WASN'T ENTERING INTO THE AGREEMENT WITH THE ENTIRE UNITED STATES GOVERNMENT.

I HAVE NOT BREACHED ANY PORTION OF MY PACT WITH THE GOVERNMENT. THE GOVERNMENT HAS BREACHED EVERY POINT PRACTICALLY OF THIS AGREEMENT, AND YOU ARE TELLING ME ABOUT THE SECRECY AND WHO'S BEEN SWORN TO IT HERE.

THEY TOLD ME THE SAME THING WHEN I ENTERED INTO THIS AGREEMENT. IT WAS A MATTER OF 48 HOURS WHEN IT WAS IN THE HEADLINES OF THE MIAMI HERALD AND THE WASHINGTON POST WITH MY PICTURE AND LIFE STORY AND T.V., MY PLACE OF BUSINESS AND WHERE I LIVED.

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SO WITH THE BREACH, WITH THE SECURITY THAT YOU HAD, IT MEANT NOTHING APPARENTLY BECAUSE IT WAS BREACHED, AND IT COULD ONLY HAVE BEEN DONE BY PEOPLE AFFILIATED WITH THE UNITED STATES GOVERNMENT BECAUSE I HAVE NEVER TALKED WITH ANYONE ABOUT ANYTHING THAT I AGREED TO DO OR ABOUT THIS MATTER AT HAND.

SO THE SECURITY ARRANGEMENTS, WHILE YOU MAY BELIEVE THEM, I DON'T, BECAUSE WE ARE TALKING ABOUT MY LIFE AND MY FAMILY'S LIFE WHICH HAS NEVER BEEN, TO ME IT SEEMS, OF THE LEAST CONCERN OF THE FEDERAL GOVERNMENT.

I'M NOT HERE BY CHOICE OBVIOUSLY. YOU SUBPOENAED ME. AND I'M NOT HAPPY ABOUT IT. AND I DON'T COME HERE TO BE ARGUMENTATIVE, TO BE ABRUPT WITH YOU, TO BE ABRASIVE, TO HURT YOUR FEELINGS.

I ONLY KNOW WHAT YOU, THE GOVERNMENT, HAVE DONE TO ME. I HAVE LIVED UP TO EVERYTHING THAT I AGREED TO DO WITH THE GOVERNMENT. THE GOVERNMENT HAS NOT DONE ANYTHING.

MY AGREEMENT WAS WITH THE ENTIRE GOVERNMENT.

I WOULD LIKE FOR YOU TO TELL ME WHERE DO I GO TO GET RELIEF FROM YOU PEOPLE. I MEAN, IF THIS LAW WAS SET UP -- THERE LOOKS TO ME THAT THERE MUST BE SAFEGUARDS BUILT INTO IT, CHECKS AND BALANCES TO FORCE THE GOVERNMENT TO LIVE UP TO THEIR AGREEMENT.

WHY IS WILLIAM DREDGE THE ONLY ONE WHOSE LIFE AND FAMILY'S LIFE COMES UNDER JEOPARDY? YOURS DON'T. THE AGENTS

IN BALTIMORE DIDN'T. IT'S MINE. I'M THE GUY -- AND IT SEEMS AS THOUGH YOU COULD CARE LESS, AND I CAN UNDERSTAND THAT, ABOUT WHAT HAPPENS TO ME OR MY FAMILY.

I'M A NON-ENTITY AS FAR AS YOU PEOPLE ARE CONCERNED.

YOU ARE GOING TO GO HOME TONIGHT. YOU ARE GOING TO SLEEP WELL. YOU DON'T HAVE TO MOVE. YOU HAVEN'T HAD TO SHIFT ON YOUR OWN FOR YEARS, WHICH I HAVE HAD TO DO, THANKS TO THE GOVERNMENT.

WHICH WAS NOT OUR AGREEMENT. I HAVE AN AGREEMENT WITH THE GOVERNMENT. I THINK THAT THE GOVERNMENT SHOULD LIVE UP TO THEIR END OF THE AGREEMENT AND LEAVE WILLIAM C. DREDGE ALONE.

YOU ARE NOW GOING TO FORCE ME AGAIN TO TAKE MY FAMILY AND LIVE OUT OF A SUITCASE, TO LIVE LIKE A GYPSY, AND I DON'T WANT TO LIVE THAT WAY, AND I SEE NO REASON WHY I SHOULD HAVE TO LIVE THAT WAY.

WHATEVER HASTINGS DID, YOU GUYS HAD A FAIR SHOT AT HIM. YOU TOOK HIM TO TRIAL. HE GOT FOUND NOT GUILTY.

ACCORDING -- AND I DON'T PROPOSE TO TELL YOU PEOPLE THE LAW BECAUSE I KNOW VERY LITTLE ABOUT THE LAW, BUT IF YOU ARE FOUND NOT GUILTY, IT LOOKS TO ME LIKE IT'S A CLOSED CASE.

BUT HERE YOU PEOPLE ARE OPENING IT UP, AND IT'S LIKE IT'S A TRIBUNAL OR IT'S THE INQUISITION OR WHATEVER YOU WILL.

I MEAN, I DON'T KNOW NOTHING ABOUT THE CONSTITUTION OF THE UNITED STATES. I DON'T KNOW ANYTHING -- I ONLY KNOW ONE

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THING. I KNOW THAT I HAD AN AGREEMENT WITH THE UNITED STATES GOVERNMENT, AND I SHOULD NOT BE HERE.

HENCE, I DID NOT WANT TO TAKE THE OATH. IT'S NOT -- YOU KNOW, MY WIFE HAS NEVER KNOWN ANYTHING BEFORE, DURING OR AFTER BECAUSE I THOUGHT PERHAPS SHE WOULD BE BETTER OFF, BETTER SERVED NOT TO KNOW, BUT IT'S NOT TRUE.

I MEAN, SO LONG AS SHE IS WITH ME HER LIFE IS IN JUST AS MUCH JEOPARDY AS MINE IS.

THANK GOD, SHE CHOOSES TO BE WITH ME. WHY, I DON'T KNOW, BUT SHE DOES.

COMING HERE, OR SINCE I WAS SERVED WITH THE SUBPOENA, MY WIFE, SHE SAID, "IT'S YOUR GOVERNMENT. HASN'T CHANGED SINCE YOU ORIGINALLY WENT TO THESE PEOPLE. THE PEOPLE IN IT HAVE CHANGED. THE PLAYERS HAVE CHANGED. THEIR WORD DOESN'T MEAN ANYTHING, BUT IT'S STILL YOUR GOVERNMENT, AND I THINK YOU SHOULD GO AND TELL THEM WHATEVER THEY NEED TO BE TOLD."

BUT I DON'T AGREE WITH HER. I DON'T AGREE WITH HER BECAUSE YOU PEOPLE HAVE NOT LIVED UP TO YOUR END OF THE BARGAIN, AND WE MADE A PACT.

BECAUSE I DON'T KNOW OR DIDN'T KNOW THAT THIS COMMITTEE WAS SET UP OR THIS SORT OF A MECHANISM WAS PUT INTO EFFECT OR BECAUSE MY ATTORNEYS AT THE TIME DIDN'T DOES NOT WITHSTAND THE INTENT OF THE AGREEMENT THAT I HAD WITH THE GOVERNMENT. AND YOU PEOPLE ARE THE GOVERNMENT. YOU ARE THE ONES.

IT'S JUST -- AS FAR AS I'M CONCERNED, I MADE THAT AGREEMENT WITH YOU PEOPLE, AND YOU MADE IT WITH ME. THE INTENT WAS THERE, AND THAT WAS THE INTENT.

I AGREED TO DO CERTAIN THINGS. I DID THEM. THE GOVERNMENT AGREED AND HAS NOT DONE.

YOU PEOPLE HAVE NOT -- AND WHEN I SAY YOU PEOPLE, I AM TALKING ABOUT THE GOVERNMENT WHO YOU PEOPLE ARE. HAVE NOT DONE YOUR THING.

YOU KEEP PUTTING ME IN JEOPARDY. YOU GUYS DON'T WALK DOWN THE STREET AND WONDER IF SOMEBODY IS GOING TO BLOW YOUR BRAINS OUT. I DO AND DID AND HAVE.

IT CONCERNS ME. AND I DON'T CARRY A WEAPON.

YOU KNOW, I AM WHATEVER I AM. I HAVE BEEN WHATEVER I HAVE BEEN. BUT I DON'T LIE, AND I MADE AN AGREEMENT WITH THE ENTIRE UNITED STATES GOVERNMENT, AND I DON'T BELONG HERE.

I WOULD LIKE TO KNOW WHERE I GO TO GET RELIEF FROM THIS. THERE MUST BE OR SHOULD BE OR SHOULD HAVE BEEN A MECHANISM TO PUT INTO EFFECT FOR CHECKS AND BALANCES.

I HAVE NO CHECKS AND BALANCES. I HAVE NO PLACE TO TURN TO.

YOU KEEP COMING AT ME, AND YOU KEEP COMING AT ME TO PUT ME IN JEOPARDY, AND IT'S NOT A FRIVOLOUS THING.

YOU CAN ASK THE F.B.I. YOU CAN ASK ANYONE YOU WANT. I MEAN, THIS IS NOT THE DEADEND KIDS YOU ARE DEALING WITH. IT'S NOT THE KATZENJAMMER KIDS.

YOU GUYS FEEL SO STRONGLY ABOUT IT YOU ARE HERE LOOKING INTO WHAT HASTINGS IS DOING, SO THAT MUST GIVE YOU SOME SENSE OF RESPONSIBILITIES OF WHAT THE MAN IS CAPABLE OF DOING.

HE'S LAUGHED AT YOU SINCE THE BEGINNING. BUT IT DOESN'T STOP YOU FROM PUTTING ME -- ALL YOU ARE DOING -- THEY HAVE THE GUN. YOU ARE GIVING THEM THE BULLETS.

I MEAN, IF YOU GUYS CAN GO HOME AND SLEEP AT NIGHT, AND I'M SURE THAT YOU CAN. I'M DEAD SURE THAT YOU CAN GO HOME AND SAY, "WELL, IF HE GETS KILLED, THAT'S HIS PROBLEM. IT AIN'T ME AND IT AIN'T MY FAMILY."

THAT'S HOW I BELIEVE YOU THINK.

IF YOU DIDN'T, I WOULDN'T BE HERE, BECAUSE I HAVE AN AGREEMENT WITH THE GOVERNMENT.

THAT'S WHERE I'M AT.

JUDGE GODBOLD: WE ARE NOT UNSYMPATHETIC WITH YOUR POSITION, MR. DREDGE. WE ARE ASSIGNED BY LAW RESPONSIBILITIES IN THIS MATTER. WE DID NOT VOLUNTEER FOR THIS UNDERTAKING.

MR. DREDGE: I DID.

JUDGE GODBOLD: WE DID NOT SEEK IT. THE LAW PUTS UPON US THE RESPONSIBILITY TO INVESTIGATE THIS MATTER. WE CAN'T GET RID OF THAT RESPONSIBILITY EVEN IF WE WANTED TO.

WE HAVE DISCUSSED THE MATTER OF YOUR AGREEMENT WITH JUDGE KAUFMAN. I HAVE THE AGREEMENT IN FRONT OF ME. IT DOES

NOT COVER THIS MATTER, ALTHOUGH YOUR SUGGESTION IS IT GIVES YOU FREEDOM FROM BEING PRODUCED AS A WITNESS IN ANY MATTER RELATING TO THE GOVERNMENT. IT SIMPLY DOESN'T COVER THAT.

MR. DREDGE: IT DOESN'T COVER WHAT, SIR?

JUDGE GODBOLD: IT DOESN'T COVER THIS TYPE OF MATTER WHICH IS AN ADMINISTRATIVE INVESTIGATION INTO A CLAIM INVOLVING MISCONDUCT BY A JUDGE.

MR. DREDGE: BUT THE INTENT WAS THERE. THE INTENT. ONLY BECAUSE I DIDN'T KNOW SPECIFICALLY THAT THIS SORT OF A MECHANISM WAS SET UP IN FORCE DOESN'T PRECLUDE THE FACT THAT THE -- I MEAN, WHY DIDN'T THE GOVERNMENT VOLUNTARILY TELL ME THAT THEN?

I MEAN, I WAS GIVEN -- I WAS GIVEN AN AGREEMENT, AND I WAS GIVEN SAFEGUARDS, OR I WAS TOLD THEY WERE.

YOU SAY YOU HAVE A COPY OF THE AGREEMENT. WELL, THIS GETS RIGHT BACK TO THE SECRECY THING. THAT WAS SUPPOSED TO HAVE BEEN IN CONFIDENCE, SEALED, SECRET. NOBODY IS SUPPOSED TO HAVE IT. LO AND BEHOLD, HERE YOU HAVE IT.

NOW, WHAT'S TO STOP SOME OTHER OUTFIT OR AGENCY OR PERSONNEL WHO WORK FOR YOU OR MR. DOAR OR MR. WEBB OR ANY OF THESE PEOPLE FROM THE SAME SORT OF THING?

I MEAN, WE DON'T LIVE IN A FISH BOWL, AND IF IT'S PRIVY TO YOU, IT'S -- SOMEBODY HAD TO TYPE IT UP FOR YOU. SOMEBODY HAD TO SEND IT TO YOU. SOMEBODY HAD TO GIVE IT TO YOU. HOW DO YOU SHUT THEM UP?

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BECAUSE MY AGREEMENT DOESN'T SPELL OUT, DOESN'T SPELL OUT THIS COMMITTEE, TO ME DOES NOT HAVE ANYTHING TO DO WITH THE AGREEMENT THAT I HAD WITH THE UNITED STATES GOVERNMENT. WE HAD AN AGREEMENT.

I THINK -- YOU KNOW, THEY TALK ABOUT YOU HAVE CONTRACTS AND YOU HAVE AGREEMENTS AND YOU HAVE WARRANTIES, AND BECAUSE EVERYTHING AND EVERY NUT AND BOLT AND SCREW AND EVERYTHING IN IT IS NOT SPELLED OUT DOESN'T MAKE THAT GUARANTEE OR WARRANTY NULL AND VOID.

I THINK THAT I HAVE THE SAME THING HERE BECAUSE THESE THINGS ARE NOT SPELLED -- WHO IN GOD'S GREEN EARTH EVER HEARD ABOUT THIS MECHANISM THAT WAS SET UP IN 1950? SO HOW COULD WE, THE ATTORNEYS, PUT IT INTO THIS CONTRACT AND PUT THIS SAFEGUARD IN THERE?

WE DON'T DO IT BECAUSE NOBODY KNEW ABOUT IT, BUT THE INTENT WAS THERE FROM THE GOVERNMENT, AND I THINK THAT YOU PEOPLE HAVE GOT TO BE RESPONSIBLE AND AGREE THAT BECAUSE HE WASN'T AWARE OF IT, THE INTENT IS THE SAME. THE INTENT IS THE SAME.

JUDGE GODBOLD: MR. DREDGE, THIS COMMITTEE HAS ITS RESPONSIBILITIES IMPOSED ON US BY LAW TO TRY TO FIND OUT IF JUDGE HASTINGS HAS ENGAGED IN TERRIBLE MISCONDUCT THAT IS ALLEGED.

WE INTEND TO DISCHARGE THAT RESPONSIBILITY.

MR. DREDGE: NO MATTER WHO IT HURTS.

JUDGE GODBOLD: WE NEED YOUR TESTIMONY, AND WE MUST RESPECTFULLY INSIST THAT YOU LET US KNOW WHAT YOU KNOW.

MR. DREDGE: AND I MUST RESPECTFULLY ASK THIS BODY WHERE DO I GO, WHO DO I SEE TO GET RELIEF FROM YOU.

JUDGE GODBOLD: WELL, WHAT WOULD HAPPEN, MR. DREDGE, IF YOU WERE NOT WILLING TO TELL US WHAT YOU KNOW ABOUT THIS MATTER, IS WE WOULD FILE A MOTION WITH THE COURT OF APPEALS FOR THE ELEVENTH CIRCUIT WHICH ISSUES THE SUBPOENA, ASKING THAT YOU BE CITED FOR CONTEMPT.

A PETITION WOULD BE FORWARDED TO JUDGES OF THE COURT OF APPEALS, NOT TO ANY OF US, WHO WOULD HAVE TO HOLD A HEARING TO DETERMINE WHETHER YOU SHOULD BE HELD IN CONTEMPT FOR REFUSAL TO TESTIFY. THAT WOULD BE THE PROCEDURE, AND YOU WOULD HAVE A HEARING AT WHICH THOSE JUDGES WOULD DECIDE WHETHER YOU WERE IN CONTEMPT FOR REFUSAL TO TESTIFY. THAT'S WHERE IT WOULD GO.

MR. DREDGE: WELL, I THINK THAT'S WHAT WE BETTER DO THEN.

I STICK BY MY AGREEMENT. I HAVE AN AGREEMENT, AND AS FAR AS I'M CONCERNED IT WAS SET IN CONCRETE.

JUDGE GODBOLD: WELL, I CAN ONLY EXPRESS TO YOU THE HOPE THAT YOU WOULD NOT PUT US TO THIS STEP.

WE HAVE A RESPONSIBILITY. WE ARE CONCERNED ABOUT WHETHER A FEDERAL JUDGE DID SOMETHING THAT WAS SO BAD THAT HE SHOULD BE SUBJECTED TO SOME SORT OF PENALTY, EVEN THE

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POSSIBILITY OF LOSING HIS OFFICE, AND WE INTEND TO GET TO THE BOTTOM OF IT.

MR. DREDGE: WELL, I HOPE YOU DO.

JUDGE GODBOLD: AND WE INTEND TO GET TO THE BOTTOM OF IT --

MR. DREDGE: NO MATTER WHO IT HURTS.

JUDGE GODBOLD: -- WITH THE KNOWLEDGE OF WHOEVER PERSONS ARE INVOLVED.

MR. DREDGE: OR NO MATTER WHAT THE CONSEQUENCES ARE TO ANYONE.

JUDGE GODBOLD: YOU REALLY AS A CITIZEN I THINK DON'T EXPECT US TO DO ANY LESS THAN TO FIND OUT WHAT THE TRUTH IS, AND YOU KNOW PART OF WHAT THE TRUTH IS.

MR. DREDGE: YOU ARE RIGHT.

JUDGE GODBOLD: YOU KNOW WHAT A PART OF THE TRUTH IS.

MR. DREDGE: YOU ARE RIGHT. I EXPECT YOU TO GO FORWARD AND DO WHATEVER YOU HAVE TO DO.

I THINK AT THE SAME TOKEN YOU FIVE HAVE GOT TO PUT MY SHOES ON AND SIT WHERE I'M SITTING.

JUDGE GODBOLD: WELL, WE ARE AWARE OF YOUR PROBLEM.

MR. DREDGE: BEING AWARE IS NOT QUITE THE SAME THING. IF YOU HAD A PISTOL TO YOUR HEAD MAYBE YOU WOULD BE A LOT MORE AWARE.

JUDGE GODBOLD: OF COURSE, THIS IS ALWAYS TRUE OF ANY WITNESS IN ANY CASE. HE MAY BE AT RISK IN ANY CASE. AND THE

JUDICIAL SYSTEM DOESN'T STOP BECAUSE OF THIS, NOR CAN WE STOP THIS PROCEEDING BECAUSE OF THIS.

MR. DREDGE: WELL, THERE'S JUST ONE OTHER THING THAT I WOULD LIKE TO POINT OUT, AND I TOLD MR. DOAR THAT I WAS, AND I DIDN'T WANT TO LEAVE IT OUT.

THAT IS, THAT ROGER SPAEDER AND PETER KOLKER, TWO ATTORNEYS FROM WASHINGTON, D.C., HAD CALLED JOHN DOAR'S OFFICE SEVERAL TIMES OVER THE LAST 18 MONTHS OR TWO YEARS AND JOHN DOAR HAS NEVER SEEN FIT TO RETURN THEIR CALLS.

NOW, I SPOKE TO MR. DOAR ABOUT IT THIS MORNING. HE SAYS THAT HE'S NOT AWARE OF THE PHONE CALLS, AND HE WAS GOING TO LOOK INTO IT AND, ODDLY ENOUGH, I BELIEVE MR. DOAR.

I DON'T KNOW WHAT HAPPENED, WHAT WENT WRONG OR WHAT DIDN'T GO WRONG, BUT HAD I TALKED TO MR. DOAR EVEN THEN, I DON'T BELIEVE IT WOULD HAVE STOPPED THIS GROUP FROM HAVING ME HERE NOW.

I DON'T THINK THAT THERE'S -- IF I COULD POSSIBLY REMEMBER, I DON'T THINK THERE'S ANYTHING THAT I COULD SAY TO YOU OR TELL YOU OR RELATE TO YOU THAT YOU AREN'T ALREADY AWARE OF OR ISN'T A MATTER OF RECORD.

SO IT SEEMS TO ME THAT THE CARE OR SAFEGUARDS OF WILLIAM DREDGE DOESN'T AFFECT YOU FIVE IN ANY WAY, SHAPE, FORM OR FASHION BECAUSE YOU HAVE A MATTER OF RECORD ANYTHING AND EVERYTHING THAT'S BEEN SAID. THERE'S NOTHING THAT I COULD ADD.

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IF ANYTHING, AT THIS LATE DATE AND TIME, WITH MY MEMORY, THERE'S PROBABLY A LOT OF THINGS I WOULD LOUSE UP.

I DON'T KNOW WHY YOU CAN'T TRUST YOUR OWN RECORDS UNLESS YOU THINK THEY HAVE BEEN TAMPERED WITH.

WHAT GOOD I CAN SERVE YOU, I DON'T KNOW. I MEAN, IT POSSIBLY ESCAPES ME.

JUDGE GODBOLD: MR. DREDGE, THE COMMITTEE CANNOT EXCUSE ITSELF OF ITS RESPONSIBILITIES, NOR CAN EXCUSE YOU, AND THE COMMITTEE DIRECTS YOU TO TAKE THE OATH AND TO TESTIFY.

IF YOU ARE NOT WILLING TO DO SO, WE RECERTIFY THE MATTER TO THE UNITED STATES COURT OF APPEALS FOR A HEARING ON WHETHER YOU ARE IN CONTEMPT AND IF YOU -- I POINT OUT TO YOU, IF YOU FEAR THIS MATTER GETTING OUT, WHICH WE HAVE DONE OUR VERY BEST AS YOU KNOW TO KEEP IT FROM GETTING OUT, THEN YOU ARE SIMPLY GOING TO INVOLVE A LOT MORE PEOPLE IN IT.

BUT I REITERATE, THE COMMITTEE DIRECTS THAT YOU TAKE THE OATH AND THAT YOU TESTIFY, THE OATH OR AFFIRMATION EITHER.

MR. DREDGE: I DON'T UNDERSTAND.

JUDGE GODBOLD: JUDGE POINTER, YOU MIGHT EXPLAIN.

JUDGE POINTER: INSTEAD OF TAKING AN OATH WHICH IS A FORM OF RELIGIOUS UNDERTAKING --

MR. DREDGE: I HAVE NO ARGUMENT WITH THAT.

JUDGE POINTER: OR AN AFFIRMATION IS SIMPLY "I AFFIRM

TO TELL THE TRUTH."

MR. DREDGE: YEAH. I BELIEVE IN GOD. IF I DIDN'T, I DON'T THINK I WOULD HAVE EVER STEPPED FORWARD TO BEGIN WITH.

AM I GOING TO BE REMANDED TO JAIL NOW?

JUDGE GODBOLD: THAT DEPENDS, I THINK, ON WHAT THE PANEL OF THE COURT OF APPEALS DECIDES.

MR. DREDGE: WELL, ARE THEY GOING TO DECIDE THAT TODAY?

JUDGE GODBOLD: I CAN'T TELL YOU THAT. WE WILL GET THE MATTER TO THEM AS QUICKLY AS WE CAN.

MR. DREDGE: SOME THINGS ARE VERY SPEEDY. OTHER THINGS ARE VERY LONG DRAWN OUT.

JUDGE GODBOLD: I CAN JUST TELL YOU THAT WE WILL MOVE AS SWIFTLY AS WE CAN.

MR. DREDGE: WELL, FELLOWS, I THINK WE BETTER GO ON AND DO WHATEVER YOU HAVE GOT TO DO.

AM I AT LIBERTY TO GO?

JUDGE GODBOLD: WELL, AS I UNDERSTAND IT, IN ORDER THAT THE RECORD BE CLEAR, AS I UNDERSTAND IT, YOU ARE DECLINING TO TAKE THE OATH AND DECLINING TO TESTIFY.

MR. DREDGE: I HAVE AN AGREEMENT WITH THE GOVERNMENT, AND IT'S THE ONLY WAY I CAN ANSWER YOU. I HAVE DID WHAT I AGREED TO DO. THE GOVERNMENT HAS NOT AGREED OR -- EXCUSE ME. THE GOVERNMENT HAS AGREED. THEY HAVEN'T DONE. THEY HAVEN'T PERFORMED.

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JUDGE GODBOLD: WELL, CAN YOU ANSWER ME YES OR NO? WILL YOU TESTIFY, TAKE THE OATH AND TESTIFY?

MR. DREDGE: SIR, I DO NOT WANT TO TESTIFY.

THE COURT: I UNDERSTAND THAT. I'M ASKING YOU WILL YOU TAKE THE OATH AND TESTIFY.

MR. DREDGE: THERE IS A DIFFERENCE, ISN'T THERE?

JUDGE GODBOLD: THERE IS A DIFFERENCE, YES, SIR.

MR. DREDGE: I WILL REITERATE MY ORIGINAL QUESTION TO YOU. IF MY ANSWER IS AFFIRMATIVE THAT I'M NOT GOING TO TESTIFY, AM I REMANDED TO JAIL NOW?

JUDGE GODBOLD: YOU REMAIN UNDER SUBPOENA.

MR. DREDGE: I REMAIN UNDER SUBPOENA.

JUDGE GODBOLD: YES.

MR. DREDGE: DOES THAT MEAN I'M INCARCERATED?

JUDGE GODBOLD: THAT MEANS YOU STAY HERE. I WOULD JUST RATHER STOP RIGHT THERE. YOU ARE UNDER SUBPOENA --

MR. DREDGE: I THINK YOU ARE ATTEMPTING TO THREATEN ME.

JUDGE GODBOLD: NO, NOT AT ALL. I'M --

MR. DREDGE: YOU ARE NOT ANSWERING ME STRAIGHT FORWARD, WHICH IS ANOTHER PROBLEM. I'M NOT GETTING STRAIGHT FORWARD ANSWERS.

JUDGE GODBOLD: YOU WILL REMAIN UNDER SUBPOENA BECAUSE YOU ARE HERE UNDER SUBPOENA.

MR. DREDGE: YES, I AM.

JUDGE GODBOLD: YOU WILL REMAIN UNDER SUBPOENA.

AS QUICKLY AS WE CAN, WE WILL REFER THE MATTER TO THE COURT OF APPEALS, AND YOU WILL BE TAKEN THERE FOR A HEARING.

MR. DREDGE: I WILL BE TAKEN THERE?

JUDGE GODBOLD: YES.

MR. DREDGE: IN OTHER WORDS, I AM GOING TO BE INCARCERATED.

JUDGE POINTER: I WOULD SAY IN CUSTODY. INCARCERATION --

MR. DREDGE: IN CUSTODY IS THE SAME THING. I'M NOT FREE TO LEAVE THE BUILDING?

JUDGE GODBOLD: YOU ARE NOT FREE TO LEAVE. YOU WILL REMAIN IN CUSTODY.

MR. DREDGE: NO ONE EVER SAID THE GOVERNMENT WAS FAIR, DID THEY?

JUDGE GODBOLD: I THINK MAYBE YOUR WIFE'S ADVICE MAY BE PRETTY GOOD.

MR. DREDGE: I WOULDN'T DOUBT IT. I WOULDN'T DOUBT IT. SHE PROBABLY IS RIGHT.

BUT WHAT I THINK IT GETS TO IS THAT THE GOVERNMENT IS NOT RIGHT.

JUDGE GODBOLD: WELL, WE ARE TRYING TO FIND OUT IF WE HAVE GOT A CORRUPT JUDGE, AND I HOPE YOU WILL HELP US WITHOUT INVOKING A LOT OF PONDEROUS MACHINERY.

MR. DREDGE: LET ME ASK YOU A QUESTION. CAN I EXTRACT AN AGREEMENT FROM THIS AUGUST BODY?

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JUDGE GODBOLD: WHAT I HAVE TRIED TO DO, MR. DREDGE, IS TO EXPLAIN TO YOU THE FACT THAT THESE PROCEEDINGS ARE CONFIDENTIAL BY LAW. I HAVE EXPLAINED TO YOU THAT EVERYBODY WHO IS PRESENT IN THE COURTROOM IS SWORN TO CONFIDENTIALITY.

MR. DREDGE: BUT THEY DID THAT BEFORE TO ME.

JUDGE GODBOLD: I CAN'T BE RESPONSIBLE FOR THAT.

MR. DREDGE: WELL, I KNOW, BECAUSE THIS IS NOW A DIFFERENT BRANCH. NOW I'M TRYING TO EXTRACT AN AGREEMENT FROM THIS BRANCH.

JUDGE GODBOLD: WE CAN'T MAKE ANY AGREEMENT. ALL WE CAN DO IS TELL YOU WHAT THE LAW PROVIDES, AND WE WILL CARRY OUT THE PROVISIONS OF THE LAW.

MR. DREDGE: AM I ALLOWED COUNSEL?

JUDGE GODBOLD: NOT PRESENT IN THE COURTROOM. IF YOU WOULD LIKE TO HAVE COUNSEL HERE AVAILABLE TO YOU, YOU ARE ALLOWED -- NOT AT THIS COMMITTEE HEARING. YOUR COUNSEL COULD BE HERE OUTSIDE THE DOOR IN ANOTHER ROOM. IF YOU WANTED TO GO OUT AND CONFER WITH HIM, YOU COULD AND COME BACK IN.

MR. DREDGE: I MEAN, I DON'T KNOW WHY I NEED COUNSEL. HELL, THEY HAVEN'T DONE ME ANY GOOD AT THIS POINT IN TIME.

JUDGE GODBOLD: IF YOU HAD A CONTEMPT HEARING BEFORE THE COURT OF APPEALS, YOU COULD HAVE COUNSEL THERE, AND THE SITUATION IS NOT GOING TO BE DIFFERENT A WEEK FROM NOW FROM WHAT IT IS NOW.

MR. DREDGE: WELL, I DON'T KNOW. I DON'T KNOW. I

MEAN, THIS THING IS SO NEW, IT LOOKS TO ME LIKE IT NEEDS A LOT OF FINE TUNING SO THAT PEOPLE LIKE ME ARE PROTECTED, AND I MEAN PROTECTED FROM BODIES LIKE THIS.

CAN I BE EXCUSED? I WOULD LIKE TO MAKE A PHONE CALL. ONLY TAKE A MOMENT.

JUDGE GODBOLD: I WOULD THINK SO, YES. YOU MAY BE EXCUSED.

JUDGE O'KELLEY: EXPLAIN TO HIM NOW, BECAUSE --

MR. DREDGE: I'M NOT GOING TO CALL AN ATTORNEY.

JUDGE O'KELLEY: THAT IS NO PROBLEM. WHAT I WAS GOING TO SUGGEST BE EXPLAINED TO YOU, THIS COMMITTEE HAS ENDEAVORED TO PROTECT YOUR IDENTITY AND YOUR COMING HERE IN EVERY WAY POSSIBLE TO THE EXTENT THAT YOU HAVE BEEN BROUGHT IN NOT THROUGH THE PUBLIC HALLWAYS BUT THROUGH A CIRCUITOUS ROUTE.

NOW, IF YOU ARE FIXING TO GO OUT IN A PUBLIC HALLWAY WHERE A PUBLIC PHONE WAS, THAT IS WHAT I WAS CAUTIONING YOU ABOUT.

YOU ARE WELCOME TO. WE DID THIS FOR YOUR PROTECTION.

JUDGE GODBOLD: MR. DOAR, CAN YOU ESCORT MR. DREDGE PERHAPS EVEN TO YOUR OFFICE BY WHATEVER, BY SOME --

MR. DREDGE: A PHONE IS VERY CLOSE, BECAUSE IT'S ONLY --

JUDGE GODBOLD: WE WANT TO GET YOU TO A TELEPHONE THROUGH A NON-PUBLIC ROUTE, AND WE WILL GET YOU THERE AND LEAVE YOU THERE TO MAKE YOUR CALL.

MR. DREDGE: I'M NOT -- IF YOU HAD A PHONE HERE, YOU

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CAN EVEN LISTEN TO IT. IT WOULDN'T BOTHER ME.

JUDGE GODBOLD: WE DON'T WANT TO DO THAT.

MR. DREDGE: I'M GOING TO CALL MY WIFE IS WHO I'M GOING TO CALL.

JUDGE GODBOLD: MR. DOAR WILL TAKE YOU THROUGH A PRIVATE ROUTE TO A PHONE THAT IS AVAILABLE.

JUDGE O'KELLEY: MR. DOAR, YOU CAN USE THIS DOOR.

MR. DOAR: I WAS GOING TO USE THIS DOOR.

JUDGE O'KELLEY: YOU KNOW THE BACK WAY.

MR. DOAR: YES.

JUDGE O'KELLEY: YOU CAN USE THAT, AND IT CIRCLES ALL THE WAY AROUND.

MR. DREDGE: FOR THE RECORD, SO YOU CAN CONTINUE ON, I AM MAKING THIS PHONE CALL. I'M SURE I ALREADY KNOW WHAT THE ANSWER IS, BUT NEVERTHELESS I'M GOING TO MAKE THE PHONE CALL ANYWAY.

JUDGE GODBOLD: ALL RIGHT, SIR.

MR. DREDGE: HOW LONG WOULD YOU BEST JUDGE THAT I WILL BE HERE?

JUDGE GODBOLD: I WOULD BEST JUDGE, AND I CAN'T MAKE YOU ANY PROMISES --

MR. DREDGE: I'M NOT EXTRACTING --

JUDGE GODBOLD: I WOULD JUDGE THAT YOU WOULD BE HERE TODAY AND PART OF TOMORROW.

JUDGE POINTER: I THINK ONE FURTHER THING. WE HAD

HOPED AND ANTICIPATED THAT BY STARTING THE FIRST THING, IF WE HAD GOTTEN RIGHT INTO IT, THAT WE WOULD HAVE BEEN ABLE TO COMPLETE HOPEFULLY BY TODAY. COMING AT 10:35, IT IS LESS LIKELY THAT WE CAN FINISH.

MR. DREDGE: PROBABLY 11:00 O'CLOCK.

JUDGE GODBOLD: I THINK YOU WOULD BE HERE OVER UNTIL TOMORROW MOST CERTAINLY. I THINK NO LONGER THAN THAT.

MR. DREDGE: THANK YOU.

JUDGE GODBOLD: THAT IS MY BEST JUDGMENT.

JUDGE POINTER: SHOULD WE TAKE A BRIEF RECESS?

JUDGE GODBOLD: YES. LET'S TAKE A RECESS.

(THEREUPON, THE PROCEEDINGS WERE RECESSED AT 10:35 O'CLOCK A.M., AND THEN RECONVENED AS FOLLOWS.)

- - -

JUDGE GODBOLD: BE SEATED, PLEASE.

WE ARE READY TO PROCEED, MR. DREDGE.

MR. DREDGE: YES. I WILL BE SWORN.

JUDGE GODBOLD: ALL RIGHT, SIR.

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

YOU DO SOLEMNLY SWEAR THE TESTIMONY YOU ARE ABOUT TO GIVE SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

THE WITNESS: I DO.

THE CLERK: BE SEATED, PLEASE, AND STATE YOUR FULL

NAME FOR THE RECORD.

THE WITNESS: WILLIAM C. DREDGE.

JUDGE GODBOLD: YOU MAY PROCEED, MR. DOAR.

- - -

WILLIAM C. DREDGE,

CALLED AS A WITNESS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. DOAR:

Q. MR. DREDGE, YOU KNOW MY NAME IS JOHN DOAR, AND I WOULD LIKE TO ASK YOU A FEW QUESTIONS.

IN THE SPRING OF 1981, DID YOU KNOW A MAN NAMED WILLIAM BORDERS?

A. YES, SIR.

Q. AND HOW LONG HAD YOU KNOWN HIM AT THAT TIME?

A. I HONESTLY DON'T KNOW, BUT NOT OVERLY LONG.

Q. AND HOW WOULD YOU DESCRIBE THAT ACQUAINTANCE?

A. WELL, HE WAS AN ATTORNEY. HE WAS AN ATTORNEY.

Q. DID HE HAVE OFFICES IN WASHINGTON, D.C.?

A. YES, SIR.

Q. AND HAD YOU HAD A BUSINESS RELATIONSHIP WITH HIM PRIOR TO APRIL 1981?

A. WELL, I HONESTLY DON'T KNOW THE TIME FRAME.

Q. I SEE.

A. BUT WHENEVER, MY FIRST ACQUAINTANCE WITH HIM WAS

BECAUSE HE WAS AN ATTORNEY, AND I WENT TO SEE HIM ABOUT A PROBLEM THAT I HAD, AND HE WAS A COUNSELOR OF MINE AND SHORTLY THEREAFTER WITHDREW FROM BEING MY COUNSEL BECAUSE HE COULDN'T, IT REALLY WASN'T IN HIS SPHERE OR IN HIS AREA. MY PROBLEM REALLY WAS IN THE -- THE COURTS THAT I NEEDED TO BE IN WERE IN MARYLAND, AND HE WAS IN WASHINGTON, D.C.

HE SUBSEQUENTLY TOOK ME TO ANOTHER ATTORNEY IN BALTIMORE WHO ALSO I DID NOT ENGAGE, BUT HE APPEARED FOR ME IN FRONT OF THE JUDGE ON ONE OR TWO OCCASIONS. I'M NOT SURE HOW MANY. THAT WAS THE EXTENT OF THE ATTORNEY IN BALTIMORE.

THEN BILL BORDERS AND I TALKED FROM TIME TO TIME.

Q. WHEN YOU SPEAK ABOUT THE MATTER IN BALTIMORE, ARE YOU SPEAKING ABOUT THE MATTER IN WHICH YOU WERE INVOLVED AS A DEFENDANT?

A. MY OWN CASE, YES, SIR.

Q. YOUR OWN CASE IN BALTIMORE?

A. YES, SIR.

Q. AND HAD THAT MATTER IN CONNECTION WITH THAT CASE CAUSED YOU TO SEE MR. BORDERS BEFORE THE INDICTMENT WAS HANDED DOWN IN THAT CASE OR DID --

A. I REALLY DON'T REMEMBER, MR. DOAR. I COULD HAVE BEEN -- I COULD HAVE BEEN THERE TO SEE HIM -- NO. I WASN'T THERE BEFORE THE INDICTMENT. NO. I'M SURE I WASN'T. I'M REASONABLY SURE THAT I WASN'T.

I DON'T RECALL THE TIME FRAME, WHETHER IT WAS BEFORE I

WAS INDICTED. I DOUBT IT. I BELIEVE THAT IT WAS WHEN I RECEIVED THE INDICTMENT, SHORTLY THEREAFTER IS WHEN I WENT TO WASHINGTON, D.C.

Q. THEN HOW DID YOU HAPPEN TO GO TO MR. BORDERS?

A. I HONESTLY DON'T RECALL THAT NEITHER OTHER THAN THE FACT THAT HE WAS TOLD TO ME TO BE A PRETTY POWERFUL ATTORNEY OR KNEW ATTORNEYS AND KNEW HIS WAY AROUND, AND I THOUGHT PERHAPS -- BECAUSE I DID NOT HAVE COUNSEL AT THE TIME FOR MY PROBLEM IN MARYLAND, AND I WAS SEEKING COUNSEL.

HOW I LEARNED ABOUT HIM ORIGINALLY, I DON'T REMEMBER. I DON'T KNOW. BUT I DID GO SEE HIM AND TALKED WITH HIM.

IN THE COURSE OF TALKING TO HIM -- WELL, YOU CAN EITHER ASK OR I CAN JUST TALK.

Q. WELL, LET ME ASK YOU THIS. IN THE COURSE OF TALKING TO HIM, DID HE BRING UP A QUESTION OF ASKING YOU TO APPROACH CERTAIN PEOPLE IN FLORIDA BY THE NAME OF ROMANO IN CONNECTION WITH A MATTER THAT WAS PENDING BEFORE JUDGE HASTINGS?

A. HE ASKED ME IF I KNEW, IN AS MUCH AS I WAS FROM SOUTH FLORIDA, HE ASKED ME IF I KNEW OR KNEW OF OR HEARD OF THESE BROTHERS. ROMANO, I SUPPOSE. I HONESTLY DON'T REMEMBER THEIR NAMES NEITHER. THE ROMANO BROTHERS.

I TOLD HIM NO, I DIDN'T KNOW THEM, HAD NEVER HEARD OF THEM, BUT IF IT WAS OF ANY INTEREST TO HIM I COULD INQUIRE ABOUT THEM.

HE ASKED ME IF I WOULD INQUIRE ABOUT THEM AND SEE WHAT

I COULD FIND OUT ABOUT THEM.

Q. DID HE TELL YOU WHY HE WANTED YOU TO INQUIRE?

A. NO, HE DIDN'T. NOT AT THIS PARTICULAR TIME.

Q. NOT AT THAT TIME?

A. NO.

Q. DID YOU THEN MAKE AN INQUIRY ABOUT THEM?

A. YES, I DID. I INQUIRED ABOUT THE ROMANOS WHO HAD A RESTAURANT OR WAS PART OWNER OF A RESTAURANT IN BROWARD COUNTY. I BELIEVE IT WAS ON HALLANDALE BEACH BOULEVARD, BUT I'M NOT POSITIVE.

Q. DO YOU REMEMBER THE NAME OF THE RESTAURANT?

A. IT WAS THE SEA GULL OR THE SEA BREEZE OR SOMETHING OF THAT NATURE, BUT IT WAS JUST NORTH OF THE GULF STREAM RACETRACK ON HALLANDALE BEACH BOULEVARD, AND -- MAYBE THE SEA BREEZE.

Q. OKAY.

DID YOU MAKE INQUIRY ABOUT THE ROMANOS?

A. YES, I DID. I INQUIRED OF A FELLOW BY THE NAME OF WILLIE DARA, D-A-R-A, WHO IS AN OLD TIMER, AND I BELIEVE HE'S ORIGINALLY OUT OF NEW YORK, BUT I'M NOT POSITIVE.

WILLIE DARA TOLD ME HE KNEW THEM, AND I BELIEVE THAT'S HOW I KNEW THAT THEY OWNED THIS RESTAURANT, WHATEVER IT WAS CALLED.

I ASKED HIM WHAT KIND OF PEOPLE THEY WERE.

HE SAID, WELL, THEY HAD A PROBLEM, THEY WAS IN TRIAL

OR WAS ON TRIAL FOR WHATEVER REASONS, AND THAT THEY WERE GOOD PEOPLE, GOOD STAND UP PEOPLE.

I DON'T KNOW HOW LONG OF A TIME, IT MAY HAVE BEEN A MATTER OF DAYS OR I COULD HAVE EVEN CALLED BORDERS, BUT I'M NOT CERTAIN, IT MAY HAVE BEEN ON ONE OF MY TRIPS BACK TO MARYLAND THAT I TOLD BORDERS THAT I HAD INQUIRED ABOUT THE ROMANOS AND THAT THEY OWNED A RESTAURANT IN HALLANDALE AND THAT THEY WERE SUPPOSED TO BE GOOD UPSTANDING PEOPLE -- WHEN I SAY GOOD UPSTANDING PEOPLE, I'M TALKING ABOUT FROM THE STANDPOINT OF A CRIMINAL ELEMENT. I'M NOT TALKING ABOUT FEDERAL JUDGES OR LAW ENFORCEMENT AGENCIES. I'M TALKING ABOUT IN TERMS OF THE UNDERWORLD.

JUDGE POINTER: LET ME INTERRUPT. YOU USE THE TERM "STAND UP." DOES THAT HAVE THE SAME --

THE WITNESS: IT'S SUPPOSED TO BE THAT THEY ARE UPRIGHT. WHATEVER THEY WILL TELL YOU THEY WILL DO, THEY WILL DO. WHATEVER YOU TALK ABOUT, YOU DON'T HAVE TO WORRY ABOUT IT, IT WON'T GO ANY FURTHER. YOU KNOW, THINGS OF THAT NATURE. THAT'S WHAT I MEAN.

THAT IS WHY I WAS MAKING THE, DIFFERENTIATING. IT WASN'T A STAND UP PILLAR OF THE COMMUNITY, OR AT LEAST NOT THE COMMUNITY AT LARGE.

I REPORTED BACK TO BORDERS THAT THEY WERE SUPPOSED TO BE A THOUSAND PERCENT.

IT MAY OR MAY NOT HAVE TAKEN PLACE AT THIS SAME DAY OR

I JUST DON'T KNOW, I DON'T HAVE A FRAME OF REFERENCE, BUT AT SOME POINT IN TIME HE ASKED ME OR SAID TO ME THAT THEY HAVE A PROBLEM IN SOUTH FLORIDA. THEY ARE UNDER INDICTMENT OR THEY ARE IN TRIAL OR THE TRIAL WAS GOING TO GO ON OR WHATEVER. I DON'T KNOW THE STANDING OF THE CASE. I DON'T REMEMBER.

HE ASKED ME IF I COULD REACH OUT AND TALK TO THEM AND PERHAPS BORDERS COULD HELP THEM WITH THEIR CASE.

I SAID THAT I WOULD.

BY MR. DOAR:

Q. DID HE SAY HOW HE COULD HELP THEM?

A. NOT AT THIS TIME. NOT AT THIS TIME.

MAYBE A WEEK TRANSPIRED OR TWO WEEKS. I'M REALLY NOT -- I'M NOT ATTEMPTING TO BE EVASIVE IN TIME BECAUSE I DON'T KNOW AND I DON'T REMEMBER.

ANY NOTES THAT I MAY HAVE KEPT AT THE TIME WHICH I DID KEEP I DESTROYED LONG AGO WHEN I MADE MY ORIGINAL AGREEMENT WITH THE GOVERNMENT. THERE WAS NO NEED FOR ME TO KEEP THEM.

I WENT BACK TO FLORIDA AND AGAIN GOT WILLIE DARA AND ASKED WILLIE DARA IF HE COULD MAKE A MEET FOR ME TO MEET WITH THE ROMANOS.

SAID, "SURE, IT'S NO PROBLEM."

WILLIE DARA, SO THE RECORD WILL REFLECT, AND I HAVE BEEN FRIENDS FOR ABOUT 20 YEARS.

HE SAID, "I'LL GIVE YOU A CALL. I DON'T BELIEVE THAT THEY ARE HERE NOW. ONE OF THEM WAS HAVING A PROBLEM WITH HIS

WIFE AND THE OTHER ONE" -- THEY WAS IN CALIFORNIA OR WHATEVER. I DON'T KNOW. IT'S OF NO IMPORTANCE.

BUT HE SAID, "I WILL GIVE YOU A CALL," WHICH HE DID IN TWO OR THREE OR FOUR DAYS' TIME.

HE SAID, "I'LL MEET YOU AND TAKE YOU UP TO SEE THEIR" -- WHOMEVER. I DON'T RECALL WHAT HE CALLED HIM, BUT WHO WAS LOOKING OUT FOR THEIR BEST INTEREST IN SOUTH FLORIDA, WHATEVER THEY MAY HAVE BEEN. I THINK THE RESTAURANT WAS PART OF THE BUSINESS.

I SUBSEQUENTLY MET WILLIE AND HE TOOK ME TO A -- IT WAS A PAINT AND BODY SHOP OR AN AUTOMOBILE REPAIR SHOP COMBINATION IN BROWARD COUNTY, AND I BELIEVE IT WAS ON PEMBROKE ROAD. I BELIEVE.

THERE HE INTRODUCED ME TO THE FELLOW HE CALLED BROTHER WHICH IS THE ONLY NAME THAT I KNOW.

I TOLD BROTHER THAT I WAS AN EMISSARY LOOKING TO -- I UNDERSTOOD THAT HIS FRIENDS OR BOSSES OR WHATEVER HAD A PROBLEM, WAS IN TRIAL OR GOING TO TRIAL OR WHATEVER, AND THAT I HAD A FRIEND OF MINE WHO WAS AN ATTORNEY IN WASHINGTON, D.C. THAT THOUGHT THAT HE COULD HELP THEM, AND IF HE WOULD TO MAKE THAT KNOWN TO THE ROMANOS AND GET BACK TO ME. HOW DO YOU GET BACK TO ME WAS THROUGH WILLIE DARA.

I DON'T BELIEVE THAT I TOLD THE MAN MY NAME. I DON'T BELIEVE WILLIE DID, EITHER, BUT THE ONLY WAY HE COULD GET BACK TO ME WAS THROUGH WILLIE DARA.

I CONVEYED THAT TO BORDERS PERHAPS THAT DAY OR THE NEXT DAY BUT SOON, SHORTLY THEREAFTER.

AT SOME POINT IN TIME, AT SOME POINT IN TIME WHILE I WAS IN WASHINGTON BORDERS SAID TO ME THAT HE THOUGHT PERHAPS THAT HE HAD AN ATTORNEY OR THERE WAS AN ATTORNEY -- NOT AN ATTORNEY, EXCUSE ME, A JUDGE THAT WAS HANDLING THE ROMANOS' CASES OR CASE AND THAT WAS A GOOD FRIEND OF HIS AND THAT HE THOUGHT SURE THAT HE COULD HELP THEM OUT.

I DON'T REMEMBER OR -- NOW THAT I'M TALKING ABOUT IT, IT SEEMS TO BE THAT THEY HAD ALREADY BEEN TO TRIAL AND THERE WERE CERTAIN THINGS PENDING. I DON'T REMEMBER WHAT THEY WERE AT THE TIME, BUT THERE WAS GOING TO BE A HEARING THAT THEY WAS GOING TO BE SENTENCED AND FINED OR WHATEVER. I REALLY DON'T REMEMBER WHAT THE RAMIFICATIONS WAS, BUT IF THEY COULD TALK TO THE ROMANOS THIS FEDERAL JUDGE COULD BAIL THEM OUT.

ASKED ME TO AGAIN MAKE A MEET OR GET TOGETHER WITH THE ROMANOS.

WHEN HE MENTIONED TO ME ABOUT THE FEDERAL JUDGE, I IMMEDIATELY THOUGHT, "WELL, HERE'S ANOTHER GUY SMOKING AJAX." I HAVE HEARD FOR YEARS THAT PEOPLE THAT HAD FEDERAL JUDGES IN THEIR POCKETS.

OF COURSE, IT HAS ALWAYS BEEN PIPE DREAMS, AND I THOUGHT THAT THIS WAS ANOTHER PIPE DREAM. I SAY A PIPE DREAM. I DON'T MEAN ON MY PART. I HAVE NEVER LOOKED FOR A FEDERAL JUDGE, BUT I HAVE HEARD PEOPLE SAY THAT THIS GUY

COULD GET TO THAT JUDGE AND THAT GUY COULD GET TO THIS JUDGE, BUT IT'S ALL, AS FAR AS I WAS CONCERNED, JUST SO MUCH JUNK.

I DIDN'T BELIEVE THAT ANYONE COULD GET TO A FEDERAL JUDGE.

WELL, AT SOME POINT IN TIME, BORDERS KEPT ASKING ME ABOUT THE ROMANOS. I SAID TO BORDERS THAT, YEAH, I HAVE TALKED TO THE ROMANOS, WHICH IN FACT I HADN'T, BUT I SAID THAT I HAD AND, YEAH, THEY WOULD LIKE TO CUT A DEAL, YOU KNOW, "WHAT CAN YOUR MAN DO FOR THEM OR WHAT CAN BE DONE OR WHAT DO THEY WIND UP WITH?"

IT SEEMS THAT -- AND THEN I PLAYED -- I NEVER WENT BACK TO THIS BROTHER. I NEVER PURSUED THE CASE AS FAR AS THE ROMANOS WAS CONCERNED ANY MORE. I HAVE NEVER -- UNTIL THIS DAY I HAVE NEVER TALKED TO THE ROMANOS.

BUT, OF COURSE, BORDERS THOUGHT THAT I WAS TALKING TO THE ROMANOS.

AGAIN, I THOUGHT IT WAS JUST A PIPE DREAM, THAT PRETTY SOON THE SMOKE WOULD EVAPORATE, THAT IT WOULD STOP ABOUT THE FEDERAL JUDGE.

WELL, IT DIDN'T STOP, AND IT SEEMS NOW THERE WAS A DATE. FOR THE SAKE OF ARGUMENT, LET'S SAY IT'S THE 15TH OF APRIL, WHATEVER THE DATE MAY HAVE BEEN. I DON'T KNOW. BUT THERE WAS A DATE THAT THE BROTHERS HAD TO APPEAR BEFORE THIS FEDERAL JUDGE, AND IF THEY WANTED SOME RELIEF FROM THE JUDGE, IT WAS GOING TO COST THEM I BELIEVE $100,000. AGAIN, I DON'T

REMEMBER THE FIGURES, BUT I BELIEVE IT WAS $100,000.

I TOLD BORDERS THAT I HAD CONVEYED THIS TO THE ROMANO BROTHERS WHICH IN FACT I HADN'T, BECAUSE I HAD NEVER SPOKE TO THE ROMANO BROTHERS.

AGAIN, KEEP IN MIND I'M THINKING THIS IS A FIGMENT OF THIS GUY'S IMAGINATION.

THE APRIL 15TH DATE ROLLED AROUND, AND I TOLD BORDERS, I SAID, "WELL, THESE GUYS, THEY ARE IN SHORT PANTS," SHORT PANTS MEANING THEY ARE LOW IN FUNDS OR THEY CAN'T GET THEIR HANDS ON THE HUNDRED THOUSAND, AND THEY HAD ALREADY PAID SOMEBODY 50,000. I MEAN, THIS IS ME NOW TALKING TO BORDERS, WHICH WASN'T TRUE, THAT THEY HAD ALREADY PAID SOMEBODY 50,000 OR SOME SUCH FIGURE AND THE GUY HAD TURNED THEM AROUND AND IT WASN'T RIGHT THAT THEY DIDN'T HAVE THE JUDGE AND THE JUDGE COULDN'T DO ANYTHING AND THIS THING, ONE THING AND ANOTHER.

HE SAID, "WELL, YOU KNOW, APRIL 15TH IS JUST A COUPLE OF DAYS AWAY. IF THESE GUYS WANT TO HAVE A POSITION, THEY BETTER COME UP WITH THE MONEY."

I SAID, "WELL, THEY ARE BROKE. THEY AIN'T GOT NO MONEY." WHATEVER. I DON'T REMEMBER.

IN THE COURSE OF THE CONVERSATION, HE SAID, "HOW CAN THESE GUYS PUT THEIR LIFE, HOWEVER MANY YEARS THEY WAS GOING TO GET, UP ABOVE $100,000?"

I SAID, "WELL, I DON'T KNOW." I SAID, "BUT, YOU KNOW, THESE GUYS SAY THEY ARE BROKE, THEY AIN'T GOT IT."

SO HE SAID, "WELL" -- THIS WAS PROBABLY -- AGAIN, LET'S KEEP THE DATE APRIL 15TH, WHICH IS A FIGMENT OF MY IMAGINATION, IN MIND. APRIL, THE NIGHT OF APRIL 14TH, HE SAID, "WELL, WHAT DID THEY DECIDE?"

I SAID, "WELL, THEY CAN'T COME UP WITH THE MONEY."

HE SAID, "WELL, IT'S UNBELIEVABLE. THEY ARE SUPPOSED TO BE IN COURT TOMORROW. THE JUDGE IS SUPPOSED TO DO WHATEVER HE'S SUPPOSED TO DO. BUT NOW HE'S GOING TO CONTINUE IT. HE CAN'T BELIEVE THESE GUYS AIN'T GOING TO COME UP WITH THIS MONEY."

HE THINKS THE ROMANOS ARE AWARE OF THIS BUT THEY ARE NOT.

LO AND BEHOLD, THE NEXT DAY, APRIL 15TH, THE CASE WAS CONTINUED, AND IT'S MY UNDERSTANDING NOT FROM THE DEFENSE BUT FROM ALCEE HASTINGS THE CASE WAS CONTINUED, BECAUSE HE COULDN'T BELIEVE THAT THESE GUYS AIN'T COME UP WITH THE MONEY.

BORDERS CALLED ME, OR I MAY HAVE BEEN IN D.C., I REALLY DON'T REMEMBER WHICH WAY IT WAS, AND HE SAID, "IT'S BEEN CONTINUED. THESE GUYS BETTER COME UP WITH THE MONEY."

I SAID, "WELL, THESE GUYS ARE NOT SURE, I MEAN THEY THINK THAT I'M TELLING THEM LIES. THEY THINK THERE'S NO SUCH THING AS THIS FEDERAL JUDGE. THEY HAVE HEARD IT BEFORE."

WELL, ONE OF THE PROOFS WAS GOING TO BE -- OR THAT MAY HAVE BEEN PART OF THE PROOF WAS THAT THE CASE WAS GOING TO BE

CONTINUED APRIL 15TH WITHOUT THEIR OKAY. IT WAS THE JUDGE, HIMSELF, THAT WAS DOING THE CONTINUANCE, AND THAT THERE WAS SOME MONIES THAT WAS TAKEN AWAY, A MILLION OR A MILLION AND A HALF DOLLARS OR WHATEVER, I REALLY DON'T RECALL WHAT IT WAS THAT WAS TAKEN AWAY FROM THEM. THE COURTS HAD IT IMPOUNDED OR WHATEVER OR BUSINESSES WORTH A MILLION DOLLARS OR WHATEVER IT WAS.

HE WAS GOING TO GIVE THEM PART OF IT BACK TO SHOW THAT THIS IN FACT WAS COMING FROM THE JUDGE AND NOT A FIGMENT OF MY IMAGINATION OR NOT A FIGMENT OF THE GUY WHO WAS THE ATTORNEY IN WASHINGTON, HIS IMAGINATION.

IT WAS TO SHOW THAT IN FACT THERE WAS A JUDGE THAT WAS DOING BUSINESS.

WELL, NOW, NEEDLESS TO SAY, I AM IN LEFT FIELD BECAUSE I HAVE NEVER SPOKE TO THE ROMANOS. I HAVE NO DEAL WITH THE ROMANOS. THIS PIPE DREAM THAT I THOUGHT WAS A PIPE DREAM NEVER EVAPORATED. IT IN FACT WAS A VIABLE THING.

THE MORE I THOUGHT ABOUT IT, THE MORE CONCERNED I GOT. AND WORRIED. THAT'S HOW THAT CAME TO BE.

Q. WELL, IN YOUR CONVERSATIONS WITH MR. BORDERS, DID HE TELL YOU ANYTHING MORE ABOUT HIS CONTACTS OR HIS UNDERSTANDING WITH JUDGE HASTINGS, IF ANY?

A. THAT HE WAS HIS MAN.

Q. WHAT DID HE SAY?

A. WELL, I DON'T RECALL, MR. BOAR. I HONESTLY DON'T

RECALL. BUT IF WAS -- I DON'T KNOW. HE HAD -- THAT JUDGE HASTINGS WOULD DO WHATEVER HE WANTED HIM TO DO OR WOULD ASK HIM TO DO WITH ANY CASES IN FRONT OF HIM, AND HE SAID TO ME, YOU KNOW, "YOU COULDN'T BE SO LUCKY JUST TO HAVE YOUR CASE IN FRONT OF HASTINGS OR YOURS WOULD BE WIPED OUT."

SURE ENOUGH, MINE WASN'T IN FRONT OF HASTINGS, AND IT WASN'T WIPED OUT.

Q. LET ME ASK YOU THIS. HAD YOU EVER MET JUDGE HASTINGS UP TO THAT TIME?

A. I HAVE NEVER MET JUDGE HASTINGS EVEN TO THIS DAY.

Q. HAVE YOU EVER SEEN HIM?

A. I BELIEVE THAT I SEEN HIM ONE TIME IN BORDERS' OFFICE, AND I DON'T KNOW THE TIME FRAME. IF YOU ARE SEEKING THAT, I REALLY DON'T KNOW, BUT I BELIEVE THAT I SEEN HASTINGS ONE TIME IN BORDERS' OFFICE, AND THAT WAS OF COURSE DURING THIS TIME PERIOD WHEN I WAS SUPPOSEDLY TALKING TO THE ROMANOS.

I NEVER HAVE PERSONALLY EVER TALKED TO HASTINGS, MYSELF.

Q. WHAT MADE YOU BELIEVE THAT YOU SAW HIM IN MR. BORDERS' OFFICE?

A. WELL, BECAUSE I SEEN HIS PICTURE IN THE PAPER.

Q. I SEE.

AND WHAT WERE YOU DOING THERE? WERE YOU THERE IN CONNECTION WITH YOUR CASE?

A. WITH MY OWN CASE, AND IT MAY WELL HAVE BEEN -- I'M NOT

GOING TO SAY IN CONNECTION WITH MY CASE, BECAUSE MY CASE MAY WELL HAVE BEEN TAKEN OUT OF HIS HANDS BY THEN BECAUSE THERE WAS NOTHING HE COULD DO IN MY CASE.

OR IT MAY BE THAT WHEN I WAS GETTING MY LAST RECORDS OR WHATEVER -- I BELIEVE THAT'S REALLY THE WAY IT WAS. I WAS THERE GETTING WHATEVER RECORDS HE HAD PERTAINING TO MY CASE THAT HE HAD DONE OR ANY PAPERS THAT HE HAD, I WAS GETTING THOSE BACK FROM HIM, AND I BELIEVE HASTINGS WAS THERE THAT DAY.

HE WENT UPSTAIRS. HIS OFFICE, I THINK, IS ON 16TH STREET. I'M NOT SURE ABOUT THAT. I BELIEVE IT'S 16TH STREET NORTHWEST.

YOU GO IN, AND IT'S A BIG ROOM, AND THEN THERE'S STAIRS THAT GO UP. IT WAS A CONVERTED HOUSE.

I DON'T KNOW THAT -- I DON'T KNOW IF HE INTRODUCED ME TO HASTINGS OR NOT. I'M REALLY NOT SURE. HE MAY WELL HAVE, BUT I CANNOT HONESTLY SAY THAT HE DID.

IT MAY HAVE BEEN AFTER HE WENT UPSTAIRS. YOU KNOW, "THAT'S MY FRIEND. THAT'S ALCEE." OR I REALLY DON'T REMEMBER. I DON'T RECALL.

Q. DURING THAT TIME PERIOD WHEN YOU WERE DISCUSSING THIS WITH MR. BORDERS, DO YOU KNOW WHETHER OR NOT HE EVER TRAVELED TO FLORIDA?

A. OH, YEAH. HE DID.

Q. DID YOU SEE HIM ON ANY OF THE OCCASIONS THAT HE

TRAVELED TO FLORIDA?

A. I'M REALLY NOT SURE, MR. DOAR, BUT I THINK PERHAPS, I THINK PERHAPS, AND I MAY BE IN ERROR, BUT I THINK PERHAPS THAT WHENEVER THIS DATE, THIS APRIL 15TH WAS SUPPOSED TO BE, IT MAY WELL HAVE BEEN EITHER THE DAY BEFORE OR THAT VERY DAY THAT BORDERS WAS IN MIAMI, AND I MAY NOT HAVE CALLED HIM. IT MAY HAVE BEEN THAT HE WAS IN FACT THERE. I JUST DON'T RECALL AT THIS POINT IN TIME.

Q. NOW, DO YOU RECALL AS YOU SIT HERE NOW WHETHER AT ANY OTHER TIME YOU MAY HAVE SEEN JUDGE HASTINGS OR TALKED TO HIM?

A. I DON'T THINK THAT I HAVE EVER TALKED TO JUDGE HASTINGS UNLESS IN HIS OFFICE I WAS INTRODUCED TO HIM AND SAID "HELLO, GLAD TO MEET YOU" OR WHATEVER, BUT I DON'T BELIEVE THAT I HAVE EVER TALKED TO HASTINGS. I DON'T RECALL IT IF I HAVE.

Q. DID YOU CONCLUDE THAT JUDGE HASTINGS, THAT MR. BORDERS DID HAVE AN ARRANGEMENT WITH JUDGE HASTINGS WITH RESPECT TO --

A. ABSOLUTELY. NO QUESTION IN MY MIND.

Q. WHAT MADE YOU CONCLUDE THAT?

A. WELL, WHEN HE SAID, "HERE IT IS APRIL 14TH AND THEY CAN'T COME UP WITH THE MONEY YET" -- AS A MATTER OF FACT, HE WANTED ME, I BELIEVE THAT HE WANTED ME TO PICK UP THE MONEY. I'M NOT SURE. IT'S A BIT HAZY AT THIS POINT IN TIME. THAT HE CAN'T BELIEVE THESE GUYS WOULD LET $100,000 KEEP THEM FROM STRIKING A DEAL.

THE JUDGE -- THIS IS BORDERS NOW TALKING -- "THE JUDGE IS BESIDE HIMSELF. HE CAN'T BELIEVE THAT THESE PEOPLE CAN'T REACH OUT AND GET WHATEVER MONIES THAT THEY WANT." NEVER MIND THAT THEY, THAT THEY ALREADY PAID SOMEBODY 50,000, BECAUSE THAT WAS MY STORY, AND THEY GOT WASHED OUT AND THEY DIDN'T WANT TO LOSE ANY MORE MONEY. HE COULDN'T BELIEVE THEY COULD LET $100,000 STAND IN BETWEEN THEM GOING TO JAIL AND NOT GOING TO JAIL.

I THINK IT WAS THEIR SENTENCING DATE BUT I'M REALLY -- AGAIN, I'M REACHING. I DON'T REMEMBER.

OR MAYBE IT WAS THE DAY HE WAS GOING TO GIVE THEM -- NO. NO. REALLY I THINK IT WAS A SENTENCING DAY, AND HE POSTPONED THAT, GIVING THEM, GIVING THE ROMANOS IN HIS OWN MIND MORE TIME IN ORDER TO COME UP WITH THE MONEY, BECAUSE IT WAS MY STORY THAT THEY HAD SPENT A LOT OF MONEY AND HAD GIVEN UP MONIES TO FICTITIOUS PEOPLE.

THAT THESE BROTHERS STILL HAD NO WAY OF KNOWING THAT IN FACT THERE WAS A JUDGE, THEIR JUDGE COULD BE HAD.

SO THE SCENARIO WAS THAT THEY DON'T HAVE TO ASK FOR A CONTINUANCE ON THE 15TH, THAT IT WOULD BE GRANTED BY THE JUDGE WITHOUT ANY PREAMBLE OR ANYBODY SAYING ANYTHING OR DOING ANYTHING, AND SURE ENOUGH IT WAS DONE.

THEN AT A LATER TIME, WHATEVER MONIES THAT WAS TO BE GIVEN BACK TO THEM, AND I DO BELIEVE THAT IT WAS A MILLION DOLLARS OR CLOSE TO A MILLION DOLLARS OR OVER A MILLION

DOLLARS, IN FACT THAT HAPPENED, 300.

MONIES THAT HAD ALREADY BEEN CONFISCATED FROM THEM, OR AT LEAST ON PAPER OR WHATEVER, WAS GIVEN BACK TO THEM BY JUDGE HASTINGS.

HE GAVE IT BACK BECAUSE THIS WAS TO SHOW THAT HE HAD THE STRENGTH TO DO WHATEVER HE HAD TO DO, THAT HE COULD DO IT, AND HE DID, AND HE DID IT.

Q. WELL, BEFORE THAT HAPPENED, DON'T YOU RECALL THAT THAT HAPPENED MANY MONTHS AFTERWARDS THAT THAT MONEY WAS --

A. AGAIN, I HAVE SAID THAT. I'M NOT SURE ABOUT THE TIME FRAME. I DON'T REMEMBER HOW THAT CAME ABOUT. I'M JUST NOT SURE ABOUT THE TIME FRAME, MR. DOAR, BUT THESE EVENTS DID IN FACT HAPPEN.

Q. OKAY.

DO YOU HAPPEN TO RECALL NOW WHETHER OR NOT MR. DORDERS OR ANYONE TOLD YOU OR YOU LEARNED SOME WAY THAT IN FACT JUDGE HASTINGS HAD SENTENCED THE ROMANO BROTHERS TO THREE YEARS IN JAIL?

A. AGAIN, AS I STATED BEFORE WHEN I STARTED THERE, I'M NOT SURE WHETHER THEY HAD BEEN SENTENCED OR WAS GOING TO BE SENTENCED OR COULD GET A BULK OF TIME OR WAS GOING TO HAVE THE TIME -- THEY MAY WELL HAVE BEEN SENTENCED AND THE TIME WAS GOING TO BE LOWERED OR PUT ON PROBATION OR REDUCED OR HE WAS GOING TO RESCIND THE SENTENCE. I'M JUST NOT, I'M NOT SURE. I DON'T REMEMBER. I DON'T REMEMBER.

Q. WELL, I WANT TO TRY TO HELP YOU FIX THE PERIODS OF TIME IN YOUR MIND, AND THEREFORE I WANT TO ASK YOU IF THERE DID COME A TIME WHEN YOU DID REPORT WHAT YOU KNEW ABOUT THIS TO AN ASSISTANT UNITED STATES ATTORNEY IN MIAMI.

A. YES, I DID.

Q. AND DO YOU REMEMBER THE DATE OF THAT?

A. NO, SIR, I DON'T.

Q. WELL --

A. BUT WHATEVER DATE IT WAS, IT WAS WHEN I KNEW -- AND IT MAY WELL HAVE BEEN THIS APRIL 15TH DATE THAT WE HAD PUT DOWN AS A DATE THAT REALLY IS NOT TRUE, SOME OTHER DATE, AND I DON'T KNOW WHAT IT IS, IT MAY HAVE WELL BEEN WHEN THAT CONVINCED ME THAT IT WAS NOT A PIPE DREAM ON BORDERS' PART, THAT IT IN FACT WAS A FACT, AND I BELIEVE THAT BORDERS WAS -- AND I DID GO TO THE STATE'S ATTORNEY'S OFFICE.

I WILL TELL YOU. IT'S A DIFFICULT THING TO TRY TO TELL SOMEONE, PROBABLY ABOUT ANYTHING, I DON'T KNOW, BUT IT'S DAMN SURE DIFFICULT TO TELL THEM ABOUT A FEDERAL JUDGE.

I MEAN, THEY REALLY ACT LIKE YOU ARE WALKING IN THERE THAT YOU HAVE GOT THE BUBONIC PLAGUE AND YOU ARE GOING TO CONTAMINATE EVERYBODY, BECAUSE THERE MUST HAVE BEEN SIX OR EIGHT OR TEN OR 12 PEOPLE IN THERE AT DIFFERENT TIMES WHEN I DID GO THERE TO TRY TO RELAY THIS INFORMATION, AND IT'S HARD. IT'S DIFFICULT. EVERYBODY IS AFRAID. EVERYBODY THINKS THAT -- INITIALLY, THEY TREATED ME AS THOUGH I BELONGED IN A

MENTAL INSTITUTION AND HERE'S A GUY RUNNING AMUCK AND HE'S DOWN HERE TELLING US ABOUT A FEDERAL JUDGE AND, "MAN, GET OUT THE BOOBY HATCH BECAUSE THIS GUY IS A WHACKO," AND THAT'S THE ATTITUDE THAT THEY TAKE.

IT IS THE ATTITUDE THAT THEY TOOK BECAUSE AS MUCH AS I TRIED TO IMPRESS UPON THEM THAT THIS WAS A VERY -- I WANTED TO TALK, AND I DON'T REMEMBER WHO HE WAS, BUT THERE WAS A STATE'S -- NOT KNOWING WHERE TO GO, I WENT TO WHO I THOUGHT SHOULD HAVE BEEN THE ONE FOR ME TO GO TO, AND I DON'T RECALL HIS NAME, BUT HE WAS THE DISTRICT ATTORNEY FOR DADE COUNTY, FLORIDA. I DON'T REMEMBER HIS NAME. WHO I COULD NEVER GET TO TALK TO.

I HAD VARIOUS AND SUNDRY PEOPLE COMING IN, AND WHEN I SAID IT WAS ABOUT A FEDERAL JUDGE, THEN ONE OF THE PEOPLE THERE TOOK ME INTO A ROOM WHERE THERE WAS A MASS OF FILES THAT HAD TO DO WITH ANOTHER BIG CASE WHERE THEY THOUGHT AT THE TIME I THINK IT WAS THE SAME CASE, BUT IT WASN'T. IT HAD TO DO WITH 14 OR 15 OR 16 DIFFERENT MEMBERS OF THE MAFIA, COSA NOSTRA, IF YOU WILL, OR WHATEVER YOU WANT TO CALL IT. IT WAS ABOUT SOME VERY IMPORTANT PEOPLE THAT WAS IN OR ABOUT TO GO ON TRIAL.

I COULD SEE THAT I WASN'T MAKING TOO MUCH -- AND I DIDN'T TELL THEM MY NAME. I DON'T EVEN REMEMBER WHAT NAME I TOLD THEM, SOMETHING THAT COME INTO MY MIND.

BUT I THOUGHT IT WAS IMPORTANT THAT PEOPLE BE AWARE OF

A FEDERAL JUDGE WHO WAS ON THE TAKE, BUT IT WAS A DIFFICULT THING TO DO. IT WAS A DIFFICULT THING FOR THEM PEOPLE TO COMPREHEND.

BORDERS WAS COMING IN THAT VERY DAY, THAT VERY -- WHICHEVER DATE IT WAS. IT HAS TO BE A MATTER OF RECORD. WHATEVER DAY IT WAS, IT WAS THAT VERY DAY. I TOLD THESE PEOPLE, AND I DIDN'T TELL THEM HIS NAME INITIALLY.

IT LOOKED LIKE I WAS GETTING ABSOLUTELY NOWHERE. I WAS SPINNING MY WHEELS.

SURE ENOUGH, AFTER SIX OR EIGHT PEOPLE, I DON'T RECALL HOW MANY PEOPLE, SPECIAL INVESTIGATOR WILLIAM MURPHY TOLD ME THAT I SUBSEQUENTLY, THEY SENT ME TO ANOTHER PLACE. I DON'T REMEMBER WHERE. I THINK ACROSS THE STREET OR SOMETHING. TO RELAY THIS INFORMATION.

I TELL YOU THE TRUTH, I THINK THEY WANTED ME TO PUT IT ON THE RADIO OR T.V. OR IN THE NEWSPAPERS, BECAUSE NOBODY WANTED TO KNOW ABOUT IT BUT EVERYBODY WANTED TO KNOW ABOUT IT.

IT'S REALLY A HELL OF AWAY TO RUN A STORE, BUT NEVERTHELESS, THAT'S WHAT THEY DID.

THE ATTORNEY, BORDERS CAME IN THAT DAY. I UNDERSTAND SUBSEQUENTLY THAT HE WAS PICKED UP AT THE AIRPORT. I SAY PICKED UP. I DON'T MEAN PHYSICALLY. I MEAN FROM AN IDENTIFICATION STANDPOINT. AND WAS UNDER SURVEILLANCE AND FOLLOWED. BUT I HAVE NO KNOWLEDGE OF THAT. IT'S ONLY WHAT'S

BEEN TOLD TO ME.

Q. BUT YOU WERE GOING TO MEET HIM AT THE AIRPORT, WEREN'T YOU?

A. I WAS GOING TO MEET HIM OR I WAS SUPPOSED TO MEET HIM OR HE WANTED ME TO MEET HIM, AND I DIDN'T.

Q. AND DID YOU KNOW WHERE HE WAS GOING WHEN HE CAME DOWN HERE?

A. NO, I DIDN'T.

Q. HAD HE TOLD YOU HE WAS GOING TO SEE JUDGE HASTINGS?

A. HE WAS GOING TO SEE -- I DON'T REMEMBER. I HONESTLY DON'T REMEMBER. I DON'T RECALL WHO -- I DO KNOW HE WAS GOING TO SEE SOME PEOPLE. HE WASN'T THERE TO SEE ME. I WAS GOING TO PICK HIM UP OR HE WANTED ME TO PICK HIM UP.

I DIDN'T PICK HIM UP.

HE CAUGHT A CAB AND CAME TO MY HOUSE.

Q. WHY DID HE COME TO YOUR HOUSE?

A. TO SEE WHY I DIDN'T PICK HIM UP.

Q. AND HOW LONG DID HE STAY AT YOUR HOUSE? DO YOU REMEMBER?

A. NO. PROBABLY AN HOUR OR TWO HOURS. HE WAS KILLING TIME REALLY BECAUSE HE DID HAVE A MEET.

Q. AND WHO WAS HE GOING TO MEET WITH?

A. I DON'T KNOW.

HE ASKED ME TO TAKE HIM TO A CAB, WHICH I DID, UP ON 163RD STREET.

AGAIN, I UNDERSTAND THAT THAT'S TESTIMONY FROM OTHER PEOPLE, THAT HE WAS UNDER SURVEILLANCE THE WHOLE TIME.

AS A MATTER OF FACT, IN MY HOUSE WHEN HE WAS GETTING A DRINK OF WATER AND THERE'S A WINDOW THAT LOOKS RIGHT OUT ON THE STREET, HE SAID TO ME, "I BELIEVE THAT'S THE F.B.I. GOING BY."

I SAID, "MAY WELL BE, MAY WELL BE," AND IT WAS.

Q. DID HE SAY ANY MORE ABOUT THE F.B.I. THAN THAT?

A. NO. NO.

Q. DID YOU DISCUSS THE ROMANO MATTER THAT DAY?

A. I DON'T KNOW WHETHER I DID OR NOT, MR. DOAR. I PROBABLY DID, BECAUSE HE COULDN'T BELIEVE THAT THESE PEOPLE WASN'T WILLING TO COME FORWARD TO SAVE THEMSELVES FROM GOING TO THE CAN OR GETTING A GREATER RETURN BACK, WHICHEVER MONIES IT WAS THAT THE COURTS HAD, THAT THEY WAS GOING TO GET BACK LIKE THE BULK OF THAT, AND HE COULDN'T BELIEVE THAT THEY WASN'T COMING UP WITH A HUNDRED THOUSAND.

Q. NOW, AT THAT TIME WHEN YOU WENT INTO THE UNITED STATES ATTORNEY'S OFFICE AND TALKED TO THESE PEOPLE ABOUT MR. BORDERS COMING TO FLORIDA, WHAT OTHER INFORMATION DID YOU HAVE THAT JUDGE HASTINGS HAD ANY CONNECTION WITH THIS PROPOSAL TO GET $100,000 OR SOMETHING --

A. I HAD NO OTHER INFORMATION.

Q. NO OTHER INFORMATION?

A. NO. THE ONLY INFORMATION I HAD WAS FROM BORDERS.

Q. OKAY. THE ONLY INFORMATION YOU HAD WAS WHAT BORDERS TOLD YOU?

A. RIGHT.

Q. AND YOU TESTIFIED THAT YOU DID KNOW THAT PRIOR TO THAT TIME THAT JUDGE HASTINGS HAD COME INTO BORDERS' OFFICE IN WASHINGTON BECAUSE YOU SAW HIM THERE WHEN YOU WERE THERE.

A. YES, SIR.

Q. NOW, WAS THERE ANY OTHER OCCASION EITHER IN WASHINGTON OR MIAMI WHERE YOU HAD ANY INDICATION OTHER THAN FROM BORDERS THAT JUDGE HASTINGS WAS INVOLVED OR HAD A CONNECTION OR A RELATIONSHIP OR KNEW WILLIAM BORDERS?

A. I DON'T THINK I FOLLOW YOUR QUESTION.

Q. LET ME ASK YOU THIS. OTHER THAN FROM MR. BORDERS, DID YOU HAVE ANY OTHER INFORMATION THAT JUDGE HASTINGS KNEW MR. BORDERS?

A. NO. NO. I DON'T REMEMBER THE TIME FRAME AGAIN. I FOUND OUT EVENTUALLY THROUGH BORDERS THAT HE WAS IN CHARGE OF -- HE HAD BEEN APPOINTED BY PRESIDENT CARTER TO A POSITION IN WASHINGTON, D.C. OF APPOINTING PEOPLE TO DIFFERENT POSITIONS, JUDGES OR WHATEVER, IN WASHINGTON, D.C., AND THAT PRESIDENT REAGAN WAS NOW PRESIDENT OF THE UNITED STATES AND PRESIDENT REAGAN WANTED TO DISMISS HIM FROM THIS POSITION THAT HE HAD, AND BORDERS TOOK HIM TO COURT AND WON THE CASE IN COURT AND RETAINED THE POSITION THAT HE WAS APPOINTED TO BY PRESIDENT CARTER.

BORDERS WAS VERY ELATED ABOUT IT. AS A MATTER OF FACT, I WAS IN WASHINGTON, D.C. WITH BORDERS ON THAT VERY DAY THAT HE WON THE CASE AND KEPT HIS POSITION, WHATEVER IT WAS. I DON'T KNOW WHAT IT WAS.

HE SAID, WELL, HE JUST BEAT THE PRESIDENT OF THE UNITED STATES AND THAT HE COULD MAKE A FEW MORE JUDGES OR DO WHATEVER. AGAIN, HE MENTIONED ALCEE HASTINGS TO ME AND ANOTHER JUDGE THAT I DON'T RECALL HIS NAME.

Q. NOW --

A. BUT I DON'T THINK I HAD ANY OTHER INFORMATION FROM ANYONE OR HEARD IT FROM ANYONE OTHER THAN -- I DON'T THINK. I'M POSITIVE. THERE'S NO ONE ELSE THAT I COULD TALK TO ABOUT OR THAT WAS INTERESTED EXCEPT BORDERS AND HASTINGS. BUT I NEVER TALKED TO HASTINGS.

Q. AND THE ONLY TIME YOU SAW MR. BORDERS AND JUDGE HASTINGS TOGETHER WAS AT ONE TIME AT THEIR OFFICE?

A. AS FAR AS -- I DON'T RECALL. I REALLY DON'T RECALL SEEING HIM BUT THAT ONE TIME, ALTHOUGH THE MORE WE THINK ABOUT IT, I THINK PERHAPS I DID SEE HIM AGAIN AT ONE OF THE HOTELS IN WASHINGTON WITH BORDERS, BUT IT'S VERY HAZY AND I'M REALLY NOT SURE.

Q. WHICH HOTEL?

A. WELL, IT WOULD HAVE BEEN EITHER THE WARDMAN PARK OR IT WOULD HAVE BEEN THE STATLER, AND I'M NOT -- I REALLY DON'T REMEMBER. BUT I BELIEVE IT WAS ONE OF THOSE HOTELS.

WHEN I SAY THE STATLER, I'M NOT SURE IT'S THE STATLER. IT'S THE HOTEL WHERE PRESIDENT REAGAN WAS SHOT AT, AND I DON'T BELIEVE IT'S THE STATLER. I THINK IT'S THE HILTON MAYBE.

Q. HILTON?

A. THE HILTON MAYBE. I THINK IT WAS THE HILTON, YES, SIR.

Q. NOW, WAS THAT --

A. NOT THE STATLER, THE HILTON.

Q. WAS THAT PRIOR TO THE TIME THAT YOU WENT IN TO TALK TO THE DISTRICT ATTORNEY OR THE U.S. ATTORNEY ABOUT THIS MATTER?

A. YES, SIR.

JUDGE POINTER: BEFORE YOU GO FORWARD, MR. DREDGE AT ONE POINT TALKED ABOUT GOING TO THE STATE'S ATTORNEY AND THEN YOU HAVE ASKED QUESTIONS ABOUT THE U.S. ATTORNEY.

THE WITNESS: I THINK IT'S ONE AND THE SAME. I'M TALKING ABOUT THE FEDERAL. I THINK I'M TALKING ABOUT THE FEDERAL PEOPLE IN DADE COUNTY, FLORIDA. IT WAS THE FEDERAL -- I BELIEVE HE'S THE STATE'S ATTORNEY.

I THINK HIS NAME IS BEALE, BUT I'M NOT -- I DON'T REMEMBER, BUT IF I HEARD THE NAME I WOULD KNOW THE NAME.

MR. DOAR: I'M GOING TO GET A GLASS OF WATER. MAYBE YOU WANT ONE TOO.

THE WITNESS: NO.

MR. DOAR: I WILL PUT IT UP HERE.

THE WITNESS: OKAY. THANK YOU.

BY MR. DOAR:

Q. THAT TIME AT THE HILTON HOTEL, IF THAT WAS THE HOTEL, HOW DID YOU HAPPEN TO BE THERE AT THAT TIME?

A. I DON'T RECALL.

Q. HAD YOU GONE THERE WITH MR. BORDERS?

A. NO. I THINK THAT I MET BORDERS THERE. THERE WAS SOME SORT OF A FUNCTION, AND I'M NOT CLEAR IN MY MIND WHAT IT WAS. IT WAS IN THE DAYTIME. IT WAS NOT AT NIGHT. IT WAS IN THE DAYTIME. THERE WAS SOME SORT OF A FUNCTION, AND BORDERS -- IT MAY WELL HAVE BEEN TO DO WITH BORDERS' POSITION OF WHATEVER IT WAS THAT HE WAS APPOINTED TO BY JIMMY CARTER. IT HAD TO DO WITH THAT OR MAYBE IT WAS THEY GAVE HIM A PARTY OR -- I DON'T REMEMBER.

BUT IT SEEMS TO ME THAT IT WAS THE DAY THAT THE DECISION WAS HANDED DOWN THAT HE KEEP HIS JOB AND THAT REAGAN WAS WRONG, AND IT SEEMS TO ME IT WAS THAT DAY. IT MAY HAVE BEEN THE NEXT DAY. I'M NOT SURE.

Q. HAD YOU BEEN INVITED TO THIS --

A. NO. I WAS THERE TO SEE BORDERS. NO. I WASN'T INVITED TO IT.

Q. YOU WERE THERE TO SEE HIM?

A. I WAS THERE TO SEE BORDERS IN REGARDS TO THE ROMANOS I'M QUITE SURE.

AT THIS POINT I THINK PERHAPS MY PERSONAL BUSINESS

WITH BORDERS WITH MY CASE WAS OVER AND DONE WITH, BUT I BELIEVE WAS THERE ABOUT THE ROMANOS.

Q. WHAT WAS IT ABOUT THE ROMANOS AT THAT TIME?

A. I DON'T REMEMBER, MR. BOAR. IT COULD HAVE BEEN ONE OF THOSE OCCASIONS WHEN I REPORTED BACK TO HIM THAT THEY COULDN'T --

I MEAN, THEY WAS VERY PUT OUT BECAUSE THEY COULDN'T COME UP WITH THE MONEY OR THAT THEY DIDN'T COME UP WITH THE MONEY BECAUSE THEIR FREEDOM WAS IN JEOPARDY, PLUS A LOT OF OTHER MONIES, AND -- I MEAN, IT WAS INCONCEIVABLE TO THEM THAT THESE PEOPLE WEREN'T RUNNING AROUND TRYING TO GIVE THEM THEIR MONEY.

I MEAN, I THINK THEY HAD ALREADY RECEIVED THE SIGNAL THAT THE CASE WAS CONTINUED ONLY ON THE JUDGE'S OKAY. I MEAN, IT WASN'T THAT THE -- YOU KNOW, IT'S NOT LIKE THE DEFENSE HAD RUN IN THERE AND ASKED FOR A POSTPONEMENT BECAUSE OF WHATEVER REASONS. THEY ARE GOING IN THERE TODAY TO NOW GET WHATEVER IS GOING TO BE AND, LO AND BEHOLD, THEY ARE READY TO GO, AND THE JUDGE SAID, "WELL, I HAVE GOT A HEADACHE" OR SOMETHING, WHATEVER THE HECK HE SAID. I DON'T KNOW WHAT HE SAID, BUT SOMETHING, AND THIS CASE IS CONTINUED.

THEY WERE BESIDE THEMSELVES.

Q. THAT'S WHAT YOU WERE TOLD?

A. YEAH. THAT HE WAS BESIDE HIMSELF, BECAUSE HERE THEY ARE. I MEAN, YOU PUT YOURSELF, IF IT'S POSSIBLE, IN THEIR

FRAME OF MIND. HERE YOU HAVE GOT A GUY THAT'S SUPPOSED TO BE TALKING TO THESE TWO BROTHERS WHO ARE GOING TO JAIL FOR A BIT OF TIME OR HAD ALREADY BEEN SENTENCED AND A LOT OF MONEY IS TAKEN FROM THEM, AND YOU HAVE THIS GUY WHO IS SUPPOSED TO BE TALKING TO THEM AND SAYS THAT THIS JUDGE CAN GET YOU OFF THE HOOK AND GIVE YOU BACK A MILLION DOLLARS AND GOING TO MAKE THIS THING PROBATION, JUST COME UP WITH THE MONEY.

I MEAN, IF YOU HAVE GOT TO GO ROB THE BANK YOU CAN LOOK TO GET THE MONEY, AND THESE GUYS ARE SUPPOSED TO HAVE BEEN MOB CONNECTED PEOPLE, AND $100,000 TO THEM PEOPLE ARE NOT OF ANY MAJOR CONCERN.

THEY COULD NOT BELIEVE THAT HERE THESE GUYS HAVEN'T RUN IN AND TRIED TO GIVE THEM 200,000. NEVER MIND A HUNDRED. THEY HAVEN'T COME WITH THE MONEY.

THAT'S BECAUSE THEY ARE BELIEVING ME. I'M TELLING THEM THAT I'M TALKING TO THE ROMANOS. WHEN I SAY "THEM," I'M TALKING TO BORDERS.

BUT BORDERS IS, I AM NOW THOROUGHLY CONVINCED IS CONVEYING ALL OF THIS TO HASTINGS BECAUSE HERE THE MAN HAD A DATE, AND HE TOOK IT ON HIS OWN TO LET IT GO.

Q. WELL, WHY DID YOU TELL BORDERS THIS ABOUT YOUR TALKS WITH THE ROMANOS WHEN IN FACT YOU HADN'T TALKED TO THE ROMANOS?

A. BECAUSE I THOUGHT THIS MAN WAS HAVING A PIPE DREAM.

Q. WHY DID THAT CAUSE YOU TO GO AHEAD AND TELL HIM?

A. I DON'T REALLY REMEMBER. I DON'T KNOW THAT I HAD ANY -- I HAD NO ULTERIOR MOTIVE, IF THAT'S WHAT YOU ARE GETTING AT. I REALLY DON'T KNOW, OTHER THAN, "YEAH, I TALKED TO THEM. THEY HAVE ALREADY BEEN RIPPED OFF FOR SO AND THEY DON'T -- THEY ARE NOT IN A POSITION TO GET ROBBED FOR ANY MORE MONEY, THAT IT'S ALL A BUNCH OF JUNK. THEY DON'T BELIEVE ME."

BECAUSE I DID NOT WANT TO GET INVOLVED. I WAS HOPING THAT BORDERS WOULD EVENTUALLY -- I MEAN, THINGS WOULD EVENTUALLY DISAPPEAR BECAUSE I DIDN'T BELIEVE BORDERS. I DIDN'T BELIEVE BORDERS.

I MEAN, I HAVE HEARD FOR YEARS THAT PEOPLE HAD JUDGES IN THEIR POCKETS, AND WHEN YOU SAY YOU HAVE GOT A FEDERAL JUDGE IN YOUR POCKET, I MEAN, YOU ARE REALLY ON -- SOMETHING IS WRONG WITH YOU BECAUSE IT WAS UNHEARD OF. IT WAS UNHEARD OF.

Q. WHAT DO YOU REMEMBER --

A. AGAIN, AND I POINTED OUT TO BORDERS, I SAID, "YOU KNOW, IF ANYBODY COULD GET TO A FEDERAL JUDGE, HOW COME JIMMY HOFFA DIDN'T GET TO HIM WITH ALL HIS MILLIONS? HE WOUND UP GOING INTO THE CAN, AND HE HAD EVERYBODY'S MONEY IN THE WORLD TO SPEND."

HE SAID, "BECAUSE IT WASN'T THE RIGHT FEDERAL JUDGE."

I MEAN, I COULDN'T BELIEVE AND I DIDN'T BELIEVE HIM.

I WENT ALONG WITH THE SCENARIO. WHY? WHO THE HELL KNOWS WHY. I DON'T KNOW. I REALLY DON'T KNOW.

I NEVER BELIEVED IT WAS THE TRUTH. I WAS NOT CONVINCED OF IT UNTIL I SEEN THEM FOAMING AT THE MOUTH, "WHERE IS THE MONEY. I CAN'T BELIEVE THESE GUYS." AND THE JUDGE IS GOING TO DO THIS, AND THE JUDGE DID THIS.

Q. WELL AT THAT TIME OR ABOUT THAT TIME, YOU WERE UNDER INDICTMENT IN BALTIMORE?

A. YES, I WAS.

Q. AND THAT WAS A SERIOUS CHARGE?

A. YES, IT WAS.

Q. AND YOU WERE WORRIED ABOUT THAT WITH THE CONSEQUENCES?

A. YES, I WAS.

Q. AND DID THAT HAVE ANY INFLUENCE ON YOU WITH RESPECT TO THE WAY YOU TALKED AND WHAT YOU TOLD WILLIAM BORDERS?

A. YOU MEAN ABOUT TALKING TO THE ROMANOS?

Q. YES.

A. IT MAY HAVE INITIALLY. IT MAY HAVE INITIALLY, BECAUSE HE STILL WAS ACTIVE IN MY CASE AND I THOUGHT PERHAPS HE COULD DO SOMETHING FOR ME IN MY CASE WITH THIS ATTORNEY IN BALTIMORE.

THAT VERY MAY -- UNDOUBTEDLY IT DID. IT UNDOUBTEDLY DID.

IT DOESN'T ALTER THE FACT THAT I DIDN'T BELIEVE IT. I JUST DIDN'T BELIEVE IT. BUT NEVERTHELESS I WENT THROUGH THE MOTIONS. BY GOING THROUGH THE MOTIONS, I DID GO AND GET AHOLD OF WILLIE DARA AND ASKED WILLIE DARA ABOUT -- I FRANKLY

HAD NEVER HEARD OF THE ROMANOS. DIDN'T KNOW THEM. KNEW NOTHING ABOUT THEM. HAD NEVER BEEN IN THE RESTAURANT. WHICH WAS A VERY FINE DINING ROOM.

BUT I SUBSEQUENTLY FOUND OUT THAT THE ROMANOS WERE WELL CONNECTED PEOPLE. I SAY WELL CONNECTED. NOT WITH THE CHAMBER OF COMMERCE. WITH THE UNDERWORLD. THAT THEY HAD A GOOD REPUTATION IN THE UNDERWORLD. AN UNSAVORY REPUTATION AS FAR AS THE PUBLIC IS CONCERNED.

I THOUGHT THAT WHEN I TOLD THIS TO BORDERS, AND I TOLD HIM WHAT WAS TOLD TO ME, AND I -- BECAUSE I CANNOT TELL YOU IN STRONG ENOUGH TERMS, MR. DOAR, I DID NOT BELIEVE WILLIAM BORDERS HAD A FEDERAL JUDGE IN HIS VEST POCKET, BUT I WENT ALONG WITH THE SCENARIO INITIALLY BECAUSE I THOUGHT THAT HE WOULD BE OF BENEFIT TO ME IN MY CASE IN BALTIMORE WITH HIS CONNECTIONS. THAT'S HOW IT CAME ABOUT.

Q. WHEN YOU WENT IN TO THE U.S. ATTORNEY'S OFFICE AT THE TIME THAT YOU SAID YOU DID, AT THAT TIME DID YOU BELIEVE THAT THERE WAS --

A. ABSOLUTELY DID.

Q. -- AN UNDERSTANDING BETWEEN JUDGE HASTINGS AND MR. BORDERS?

A. YES, SIR, I DID.

Q. WHAT WAS IT THAT CAUSED YOU TO CHANGE YOUR MIND ABOUT THAT BELIEF THAT YOU HAD ABOUT WHETHER OR NOT JUDGE HASTINGS WAS INVOLVED IN THIS?

A. AT THIS POINT IN TIME I CAN'T TELL YOU. I DON'T RECALL.

Q. BUT AT THAT TIME YOU ARE CERTAIN THAT WHEN YOU WENT INTO THE UNITED STATES ATTORNEY'S OFFICE YOU DID BELIEVE THAT MR. BORDERS AND JUDGE HASTINGS HAD AN AGREEMENT WITH RESPECT --

A. I SURE DID.

Q. -- TO THE ROMANO CASE?

A. I SURE DID.

Q. AT THAT TIME, YOU WERE INTERESTED IN OBTAINING SOME KIND OF RELIEF FROM THE SITUATION YOU WERE IN IN BALTIMORE?

A. YES, SIR.

Q. AND DID THAT HAVE ANYTHING TO DO WITH YOU GOING IN TO SEE THE U.S. ATTORNEY?

A. NO, SIR.

Q. DID IN CONNECTION WITH GOING IN TO SEE THE UNITED STATES ATTORNEY, DID YOU TELL THEM THAT YOU WERE IN TROUBLE IN BALTIMORE?

A. NO, I DON'T BELIEVE I DID.

Q. DID THE MATTER --

A. I MAY HAVE. I DON'T BELIEVE I DID, BECAUSE I DIDN'T EVEN TELL THEM MY NAME.

Q. DID THE MATTER OF THE BALTIMORE INDICTMENT COME UP DURING THE CONVERSATION WITH THE U.S. ATTORNEY IN MIAMI?

A. I AM NOT SURE, MR. DOAR.

Q. WELL, DID THERE EVER COME A TIME WHEN ANY SUGGESTION

WAS MADE THAT IF YOU WOULD COOPERATE WITH THE GOVERNMENT WITH RESPECT TO THE MATTERS THAT YOU HAD BROUGHT TO THEIR ATTENTION, WITH RESPECT TO MR. BORDERS AND JUDGE HASTINGS, THAT THAT MIGHT HELP YOU IN YOUR CASE IN BALTIMORE?

A. YES, SIR.

Q. AND HOW DID THAT FIRST COME UP, IF YOU REMEMBER?

A. I THINK IT WAS -- IT'S MY BEST RECOLLECTION AT THIS POINT IN TIME THAT I WENT TO THE STATE'S ATTORNEY'S OFFICE --

Q. THAT'S THE U.S. ATTORNEY?

A. U.S. ATTORNEY'S OFFICE, YES, IN DADE COUNTY, FLORIDA.

AGENT MURPHY TELLS ME THAT THEY SENT, AND I DON'T RECALL THIS BUT IT MAY HAVE WELL HAPPENED, THAT THEY SENT ME ACROSS THE STREET OR SOMEWHERE TO A DIFFERENT AGENCY, AND IT MAY HAVE BEEN THE NEXT DAY. MAY HAVE BEEN TWO DAYS RUNNING.

THEN TWO DAYS OR THREE DAYS AFTER THAT THERE APPEARED AT MY FRONT DOOR AN F.B.I. AGENT BY THE NAME OF WELTON MERRY WHO I HAVE KNOWN FOR SEVERAL YEARS.

WITH WELTON MERRY WAS AGENT WILLIAM MURPHY, AND HE TELLS ME THERE WAS ANOTHER AGENT THERE BUT I DON'T REMEMBER HIM IF HE WAS.

Q. WHEN YOU SAY AGENT MURPHY --

A. THE FEDERAL BUREAU OF INVESTIGATION.

Q. WHEN HAS HE TOLD YOU THIS?

A. THIS IS EITHER THE SECOND DAY OR THE THIRD DAY AFTER I HAD WENT TO THE UNITED STATES --

Q. I UNDERSTAND IT'S THE SECOND OR THIRD DAY, BUT YOU SAID IN YOUR TESTIMONY THAT AGENT MURPHY TOLD YOU THIS, THAT THERE WAS ANOTHER PERSON THERE.

A. OH, THIS WAS JUST THE OTHER DAY.

Q. I SEE. THIS WAS SINCE YOU WERE SERVED WITH THE SUBPOENA?

A. YES, SIR.

Q. OKAY.

A. APPARENTLY HE WAS TRYING TO REFRESH MY MEMORY. I DON'T REMEMBER THE OTHER AGENT.

Q. AND WHAT, IF ANYTHING, HAPPENED WITH RESPECT TO YOUR BALTIMORE CASE AT THAT TIME?

A. THEY MET WITH ME AND MY ATTORNEYS, ROGER SPAEDER AND PETER KOLKER, IN JUDGE KAUFMAN'S OFFICE OR ANTE ROOM OR CHAMBERS. I BELIEVE IT WAS JUDGE KAUFMAN'S. IT MAY WELL HAVE BEEN THE FEDERAL ASSISTANT DISTRICT ATTORNEY THERE STEVE ALLEN, BUT I'M NOT SURE WHICH, AND THEY WANTED TO STRIKE A DEAL. WE BOTH -- FOR ME TO DO CERTAIN THINGS, THEY WOULD DO CERTAIN THINGS.

I TOLD THEM THAT I WOULD NEVER APPEAR BEFORE A GRAND JURY, THAT I WOULD NEVER APPEAR NOR DID I HAVE TO APPEAR BEFORE ANY COMMITTEE OR TESTIMONY IN ANY MATTERS PERTAINING TO BORDERS AND HASTINGS. IF I WOULD INTRODUCE AN UNDERCOVER AGENT TO WILLIAM BORDERS AS BEING ONE OF THE ROMANOS.

THERE WERE SEVERAL PEOPLE THERE. I DON'T KNOW WHO ALL

THEY WERE. I MEAN, THEY COULDN'T COME UP WITH -- THEY HAD A LOT OF DIFFERENT THINGS THAT THEY WANTED TO DO.

THEY WANTED TO TAPE ME. I REFUSED. THERE'S NO WAY THAT THEY WOULD PUT TAPE ON ME.

THEY WANTED ME TO GET HIM SOMEWHERE IN A ROOM AND HAVE HIM TALK AND HAVE THAT RECORDED. I REFUSED. NO WAY.

I SUBSEQUENTLY CAME UP WITH THE -- I GAVE THEM WHAT I THOUGHT WOULD BE A GREAT SCENARIO WHICH WOULD BE IN AS MUCH AS THAT HE NEVER KNEW, BORDERS NEVER KNEW A ROMANO, THAT I COULD INTRODUCE, IF THEY COULD FIND AN AGENT WHO CLOSELY RESEMBLED ONE OF THE ROMANOS, THAT I WOULD INTRODUCE THE AGENT AS A ROMANO TO BORDERS AND SAY THIS IS, WHATEVER ROMANO IT WAS, I DON'T REMEMBER, "THIS IS ROMANO, THIS IS WILLIAM BORDERS, ATTORNEY FROM WASHINGTON, D.C., AND I BELIEVE IF YOU TWO GUYS GET TOGETHER HE CAN HELP YOU WITH YOUR CASE."

I AGREED TO MAKE -- THEY SAID, "YOU CAN'T MAKE THIS INTRODUCTION."

I SAID, "WELL, I BELIEVE THAT I CAN, AND I BELIEVE IT'S THE ONLY VIABLE WAY THAT YOU WILL BE ABLE TO GET TO BORDERS AND FROM BORDERS TO HASTINGS."

THEY THOUGHT ABOUT IT FOR A CONSIDERABLE LENGTH OF TIME AND --

Q. WHEN YOU SAY A CONSIDERABLE LENGTH OF TIME, DO YOU MEAN DAYS OR WEEKS OR --

A. NO. HOUR. BUT THERE WAS ABOUT SIX OR EIGHT OF THEM.

I DON'T REMEMBER HOW MANY. NOR DO I KNOW WHO ALL THEY WERE.

A COUPLE OF THEM -- I KNEW FROM THE OUTSET IT WAS A MISTAKE. I KNEW FROM THE OUTSET.

Q. WHAT DO YOU MEAN BY THAT?

A. WELL, BECAUSE THEY BROUGHT IN PEOPLE WHO IN MY HUMBLE OPINION WERE NOT CAPABLE OF DOING WHAT HAD TO BE DONE. A PART OF IT -- TO GIVE YOU A CLASSIC EXAMPLE, WHEN WE WERE SITTING THERE TALKING, THESE BRAIN TRUSTS FROM THE, WHOEVER THEY WERE, INTERNAL REVENUE, I MEAN INTERNAL SECURITY OR F.B.I. OR WHATEVER OR THE PROSECUTOR IT MAY HAVE BEEN, THE TASK -- I DON'T KNOW WHO THE HECK THEY WERE. SAID, "WELL, IF THAT DON'T WORK WE CAN TURN AROUND AND DO"--

I SAID, "HEY, THIS IS NOT THE KATZENJAMMER KIDS. YOU ONLY GET ONE SHOT AT THESE PEOPLE. IF THIS DON'T WORK, YOU ARE GOING TO TRY SOMETHING ELSE?" I SAID, "FORGET IT. YOU WILL BE DEAD. YOU CAN ONLY GO WITH ONE THING AND ONE THING ONLY, AND IF YOU DON'T GO WITH THAT YOU CAN FORGET IT BECAUSE YOU ARE NOT GOING TO GET ANYTHING."

THEY, A COUPLE OF THINGS THEY -- I DON'T EVEN REMEMBER. IT WAS RIDICULOUS. I MEAN, IT WAS LIKE YOU WAS PLAYING WITH THE GIRL SCOUTS OR SOMETHING, LIKE BORDERS WOULD BE -- I THINK HE IS AN IDIOT TO BEGIN WITH BECAUSE OF WHAT HE'S DONE.

OF COURSE, I THINK I'M AN IDIOT, TOO, BUT THE FACT REMAINS THAT WHAT THEY WANTED TO DO AND THE PERSONNEL THAT

THEY HAD THERE I KNEW WAS A MISTAKE, AND I EXPRESSED MY OPINION THEN THAT THEY DIDN'T HAVE THE PROPER CALIBER OF PEOPLE TO DO WHAT HAD TO BE DONE.

I SUGGESTED THEN THAT THEY PUT THE CASE IN THE HANDS OF STEVE ALLEN WHO I THINK IS EXTREMELY COMPETENT AND KNOWS WHAT'S GOING ON, BECAUSE YOU REALLY NEED A GENERAL, SOMEONE WHO COULD GENERAL THIS THING AND DO IT PROPERLY.

I THINK THAT THEY WAS, THEY WAS OUT OF THEIR DEPTH TO BEGIN WITH.

BUT IT WASN'T FOR ME TO SAY WHO DOES ANYTHING. I ONLY KNOW WHAT WE AGREED TO DO.

Q. WHAT DID YOU AGREE TO DO?

A. TO INTRODUCE -- IT WAS MY PLAN THAT I THOUGHT IT WAS THE ONLY VIABLE ONE, AND THEY COULDN'T FIND ANY FLAWS IN IT, TO INTRODUCE AN UNDERCOVER AGENT WHO IS SUPPOSED TO HAVE BEEN A ROMANO TO BORDERS.

I DID THAT AT THE AIRPORT IN MIAMI, FLORIDA AND INTRODUCED THE TWO, AND THE TWO WENT ON AND DID WHATEVER THEY WANTED TO DO.

Q. BEFORE WE GET TO THAT, WHEN YOU MADE THIS SUGGESTION OR PROPOSAL OR IDEA OF HOW TO GO ABOUT THIS, THEN DID YOU REACH ANY KIND OF AN AGREEMENT WITH THE GOVERNMENT WITH RESPECT TO YOUR CASE?

A. I SUBSEQUENTLY REACHED AGREEMENT WITH THEM. I DON'T KNOW WHETHER IT WAS BEFORE THIS OR AFTER THIS OR WHATEVER. I

PLED GUILTY TO A -- I BELIEVE I PLED GUILTY TO CONSPIRACY. I'M REALLY NOT SURE.

Q. BUT YOU UNDERSTOOD THAT IF YOU WOULD, THAT YOU EXPECTED THAT IF YOU WOULD DO THIS FOR THE GOVERNMENT THAT THE GOVERNMENT WOULD GIVE SOME CONSIDERATION TO THAT FACT IN CONNECTION WITH YOUR CASE?

A. WELL, I DON'T BELIEVE THAT JUDGE KAUFMAN WAS PART AND PARCEL TO ANY AGREEMENT, AND I REALLY DON'T BELIEVE THAT THE GOVERNMENT, THAT IS JUDGE KAUFMAN, SANCTIONED ANY OF THIS. I JUST DON'T KNOW. I JUST DON'T BELIEVE -- I THINK IT WAS STEVE ALLEN WHO WAS TALKING TO THE JUDGE. THE JUDGE -- ONLY AFTER IT BECAME A FACT AND ONLY AFTER WE HAD STRUCK AN AGREEMENT AND ALL OF THESE THINGS WAS PUT INTO A SECRET FILE SUPPOSEDLY AND ALL BURIED UNDER LOCK AND KEY, AND I THINK HE BECAME A PART OF IT THEN.

HE DID NOT -- HE WAS NOT IN ON THE CONVERSATIONS ABOUT BORDERS AND HASTINGS. HE HAD NOTHING TO DO WITH THAT. HIS ONLY -- WAS IN MY CASE, AND I THINK THAT ONCE THIS AGREEMENT WAS STRUCK ON AND WE AGREED, THAT HE HAS DONE NOTHING BUT HAVE MY BEST INTEREST AT HEART SINCE. BUT HE HAD NOTHING TO DO WITH THE AGREEMENT.

Q. NOW, YOU SAID THAT AFTER THAT AGREEMENT WAS REACHED, THAT YOU DID INTRODUCE MR. BORDERS TO AN UNDERCOVER AGENT AT THE AIRPORT IN MIAMI?

A. YES, SIR.

Q. HOW DID THAT COME ABOUT? HOW WAS THAT ARRANGED?
A. BORDERS PROBABLY -- I'M TRYING TO THINK AND GET THIS THING STRAIGHT IN MY OWN MIND. BORDERS COULDN'T BELIEVE THAT THESE GUYS, THE ROMANOS, WAS NOT COMING WITH THE MONEY.

YOU KNOW, IT'S A DIFFERENT SITUATION IF YOU ARE ON FOOD STAMPS AND YOU CAN'T COME UP WITH MONEY, BUT PEOPLE WHO ARE IN ORGANIZED CRIME OR WHATEVER AND HAD ACCESS TO BARRELS OF MONEY, HE COULD NOT BELIEVE AND FROM MY CONVERSATION WITH HIM HASTINGS COULDN'T BELIEVE THAT THESE GUYS WOULD LET A LITTLE BIT OF MONEY COME BETWEEN THEIR FREEDOM AND/OR THE RETURN OF IN EXCESS OF A MILLION DOLLARS, WHATEVER IT WAS THEY TOOK. I DON'T KNOW. I DON'T REMEMBER.

AGAIN, NOW, KEEP IN MIND THAT HE HAD ALREADY POSTPONED THIS DAY OF SENTENCING OR WHATEVER IT WAS AT ONE TIME, AND BORDERS IS NOW -- I MEAN, THEY ARE CHAFING AT THE BIT. "WHERE THE HELL IS THE MONEY? HOW CAN YOU NOT PAY?"

BORDERS CALLED ME.

IN THE MEANTIME, I AM NOW TALKING WITH THE GOVERNMENT.

HE SAID, "HOW CAN THESE GUYS NOT COME UP WITH THE MONEY?"

THAT'S WHY AND HOW I KNEW THAT I COULD INTRODUCE AN UNDERCOVER AGENT TO BORDERS AS ROMANO, BECAUSE THEY WERE FOAMING AT THE MOUTH.

Q. WHEN YOU SAY "THEY," YOU SAY THIS INFORMATION CAME TO YOU FROM BORDERS?

A. ABSOLUTELY.
Q. WAS THERE ANYTHING THAT INDICATED AT THAT TIME OR DURING THAT PERIOD THAT JUDGE HASTINGS WAS INVOLVED IN THAT?
A. YEAH. HE SAID, YOU KNOW, THE JUDGE, HE'S GOING TO GET MAD AT HIM.
Q. BUT THIS IS MR. BORDERS SAYING --
A. YEAH, THIS IS BORDERS TALKING. THAT HASTINGS IS GOING TO GET MAD AT HIM. "WHATEVER HE WAS GOING TO GIVE THEM, HE'LL GIVE THEM THREE TIMES AS MUCH. INSTEAD OF GIVING THEM NOTHING, HE'S GOING TO GIVE THEM THE WHOLE BASKET. LET THEM COME WITH THE MONEY."

WELL, I KNEW AT THIS POINT IN TIME I COULD INTRODUCE AN AGENT IN TO BORDERS WHICH IS WHAT I PROPOSED AND WHAT DID HAPPEN, AND I UNDERSTAND -- BECAUSE I BOWED OUT AT THAT POINT IN TIME. I HAD ABSOLUTELY NOTHING ELSE TO DO -- THAT'S NOT TRUE. IT'S NOT TRUE. BORDERS CALLED ME AFTER MEETING, AFTER THEY HAD MET, PROBABLY BEFORE HE CAUGHT THE PLANE AND LEFT, THAT THEY HAD GOT ALONG FINE AND EVERYTHING WAS GOING TO BE ALL RIGHT AND HE WOULD HANDLE IT FROM HERE ON OUT.

Q. ON THAT DAY, DID YOU INTRODUCE THEM?
A. YES, SIR.

APPARENTLY THEY HAD MADE -- ANYTHING ELSE I TELL YOU IS WHAT SOMEONE ELSE HAS TOLD ME. I CAN'T TELL YOU ANYTHING ELSE.

Q. LET ME ASK YOU THIS THOUGH. HOW DID YOU MAKE THE

CONTACT WITH BORDERS TO TELL THEM ABOUT THE ROMANOS?
A. BORDERS, AGAIN I BELIEVE IT'S BECAUSE BORDERS CALLED ME OR BORDERS MAY HAVE EVEN COME TO MIAMI. I DON'T KNOW.
Q. WHAT DID YOU TELL BORDERS?
A. OH, I SEE WHAT YOU ARE GETTING AT.
I TOLD HIM, "THESE PEOPLE ARE NOT GOING TO TRUST ME. I MEAN, THEY HAVE ALREADY GOT RIPPED OFF." REMEMBER, I HAD ALREADY TOLD HIM THEY HAD. THE ROMANOS HAD ALREADY GOTTEN RIPPED OFF FOR 50,000 TO BEGIN WITH. "THEY ARE NOT TRUSTING ME WITH ANYTHING. YOU ARE GOING TO HAVE TO DEAL PERSONALLY WITH THEM OR ONE OF THEM."
THAT'S HOW I PUT IT TOGETHER.
Q. AND --
A. THAT'S HOW THAT CAME ABOUT.
Q. HOW DID YOU MAKE THE ARRANGEMENTS FOR THE UNDERCOVER MAN AND BORDERS TO MEET?
A. I GUESS -- I HONESTLY DON'T KNOW. I DIDN'T ASK THE UNDERCOVER AGENT OBVIOUSLY. I ASKED BORDERS, "HOW DO YOU GUYS WANT TO HOOK UP?"
BILL BORDERS SAID TO ME -- I BELIEVE THAT WE ARE TALKING ON THE PHONE. I'M NOT SURE. I DON'T BELIEVE THAT I HAD BEEN UP TO D.C., BUT I COULD HAVE BEEN, BUT MY BEST RECOLLECTION IS I SAID, "THESE GUYS WANT TO MEET WITH YOU PERSONALLY. THEY ARE FINISHED WITH THIRD HAND PEOPLE."
NO. I MAY HAVE THE SEQUENCE OF EVENTS TURNED AROUND.

I MAY HAVE THE SEQUENCE OF EVENTS TURNED AROUND, BUT I DON'T BELIEVE SO.

I SAID TO BORDERS, "HOW ARE THESE PEOPLE TO KNOW" -- I THINK THIS IS BEFORE I INTRODUCED THE UNDERCOVER AGENT TO BORDERS. "HOW ARE THESE PEOPLE TO KNOW THAT YOU ARE IN FACT TALKING FOR HASTINGS?"

HE SAID, "LET THEM TELL WHERE THEY WANT TO MEET, AT ANY HOTEL, ANY DAY OR EVENING OR NIGHT OR WHATEVER, AND HASTINGS WILL BE AT THAT HOTEL IN THE DINING ROOM AT THAT GIVEN TIME."

NOW, THERE'S NO WAY THAT I -- THIS IS BORDERS TALKING. "THERE'S NO WAY THAT I CAN BE PUTTING THIS ON BECAUSE THE ROMANOS ARE SAYING THE HOTEL. THE ROMANOS ARE SAYING WHAT DINING ROOM, AND THE ROMANOS ARE SAYING AT WHAT TIME. LET THEM SAY IT. JUDGE HASTINGS WILL BE THERE AT THAT TIME."

IF I'M NOT MISTAKEN -- HE MAY HAVE EVEN KNEW WHAT THE JUDGE WAS GOING TO ORDER. I'M NOT SURE.

THAT WAS THE PROOF POSITIVE --

Q. HE MAY HAVE KNOWN WHAT THE JUDGE WAS GOING TO ORDER OR THAT HE MAY HAVE SUGGESTED THAT THE ROMANOS COULD TELL HIM WHAT THEY WANTED THE JUDGE TO ORDER?

A. IT MAY WELL HAVE BEEN THAT WAY. I DON'T REMEMBER THE SCENARIO, BUT I KNOW IT WAS A PRETTY IRON BOUND THING, THAT THERE COULD BE NO MISTAKE IN NOBODY'S MIND THAT THIS IN FACT WAS JUDGE ALCEE HASTINGS AT, AND I BELIEVE IT WAS THE

FONTAINBLEU HOTEL, IF I'M NOT MISTAKEN, BUT I COULD BE WRONG ABOUT THAT. I DON'T KNOW WHAT TO SAY. I DON'T REMEMBER. I DON'T KNOW.

Q. WELL, AT THE TIME THAT YOU TALKED TO MR. BORDERS, THERE WAS NO MENTION OF THE FONTAINBLEU HOTEL AT THAT TIME BECAUSE THIS WAS ALL TO HAPPEN IN THE FUTURE IF THEY MET?

A. RIGHT. YEAH. THIS WAS TO BE THE PROOF TO THE ROMANOS, WHICH WAS THE UNDERCOVER AGENT, THAT HE WAS IN FACT TALKING FOR HASTINGS, THAT HASTINGS WOULD BE AT THIS HOTEL OF THE ROMANO'S CHOICE ON THIS DAY OF THE ROMANO'S CHOICE AND TO ORDER THIS MEAL AT THE ROMANO'S CHOICE SO THAT THE ROMANOS WOULD KNOW IN FACT THAT BORDERS WAS TAKING MONEY FOR ALCEE HASTINGS AND IT WASN'T A SHAM.

Q. OKAY.

NOW --

A. AND THAT HAPPENED.

Q. WELL, YOU HAVE BEEN TOLD THAT HAPPENED?

A. YES. I DIDN'T SEE IT HAPPEN.

Q. WELL --

A. IT OBVIOUSLY HAPPENED, BECAUSE HIM AND BORDERS GOT TOGETHER.

Q. YOU DID THEN CALL OR HOW DID YOU LET -- YOU TOLD US THAT MR. BORDERS GAVE YOU THIS PLAN AND THEN --

A. NO. MR. BORDERS DIDN'T GIVE ME THE PLAN. MR. BORDERS TOLD ME TO LET THE ROMANOS --

Q. THAT'S WHAT I MEAN.
A. -- COME UP WITH THE PLAN.
Q. OKAY.
BUT THEN YOU DIDN'T GO BACK TO THE ROMANOS BECAUSE YOU WEREN'T TALKING TO THE ROMANOS?
A. I TALKED TO THE UNDERCOVER AGENT.
Q. WHAT DID YOU DO NEXT?
A. I THEN TOLD BORDERS WHAT THE SCENARIO WAS.
Q. WHAT DID YOU SAY TO BORDERS?
A. I DON'T KNOW WHETHER I TOLD IT TO BORDERS, TOLD BORDERS WHAT THE PLAN WAS OR WHETHER THE UNDERCOVER AGENT TOLD HIM PERSONALLY. I DON'T REMEMBER. I DON'T REMEMBER.
IT SEEMS TO ME THAT HE MUST, THE ROMANOS MUST HAVE TOLD ME, AND I CONVEYED IT TO BORDERS.
Q. THE ROMANOS?
A. NOT THE ROMANOS. WHEN I SAY THE ROMANOS, I'M NOW SPEAKING ABOUT WHO BORDERS BELIEVES TO BE THE ROMANOS, THAT HE THINKS THAT I'M TALKING TO.
I HAVE NEVER TALKED TO THE ROMANOS.
Q. OKAY. WELL, I JUST CORRECTED YOU BECAUSE YOU SAID THE ROMANOS AND --
A. WELL, THE PEOPLE WHO I'M SUPPOSED TO BE TALKING TO, THE ROMANOS.
IT MAY VERY WELL BE THAT I CONVEYED IT TO BORDERS, BUT I DON'T REMEMBER WHETHER I DID OR NOT.

Q. BUT YOU DID MAKE IT KNOWN TO MR. BORDERS THAT THE UNDERCOVER AGENT ACTING AS A ROMANO WAS PREPARED TO MEET WITH HIM?

A. ABSOLUTELY, AND DID.

Q. BUT WHAT DID BORDERS SAY WHEN YOU TOLD HIM THAT?

A. I THINK HE STARTED SPENDING THE MONEY IN HIS OWN MIND. I DON'T KNOW WHAT HE SAID. I DON'T RECALL.

Q. DID HE SELECT A PLACE?

A. IT WASN'T UP TO BORDERS TO SELECT A PLACE.

Q. NO. I MEAN TO SELECT THE PLACE FOR THE FIRST MEETING.

A. YES. YOU MEAN AT THE AIRPORT?

Q. RIGHT.

A. BORDERS IS THE ONE THAT SAID THAT TO ME, THE TOP FLOOR OF THE -- THERE'S A HOTEL IN THE AIRPORT THERE IN MIAMI, AND TO MEET HIM UP ON THE TOP FLOOR AND INTRODUCE HIM, WHICH IS WHAT I DID.

Q. SO THAT WHEN YOU TOLD BORDERS THAT THE ROMANOS WERE READY TO TALK TO HIM --

A. PERSONALLY.

Q. -- PERSONALLY, BORDERS THEN SAID MEET AT THE AIRPORT?

A. "INTRODUCE US."

I SAID, "WELL, I'M GOING TO INTRODUCE YOU, AND I'M WALKING AWAY."

Q. TELL US WHAT YOU REMEMBER ABOUT WHEN YOU INTRODUCED HIM. IF YOU CAN TELL US WHAT MONTH IT WAS OR WHAT DAY OF THE

WEEK.

A. NO, SIR. I CAN'T.

Q. CAN YOU TELL US WHETHER IT WAS IN THE EVENING OR IN THE MORNING?

A. I BELIEVE IT WAS IN THE MORNING. I BELIEVE THAT IT WAS PROBABLY AROUND 8:00 OR 9:00 OR 10:00 O'CLOCK IN THE MORNING.

Q. AND WHAT HAPPENED THAT MORNING?

A. WELL, I WENT TO THE AIRPORT TO MEET BORDERS AND DIDN'T SEE BORDERS. I THOUGHT THAT HE WAS COMING IN BY PLANE THAT MORNING. I'M REALLY NOT SURE, MR. DOAR, BUT I BELIEVE HE CAME IN THE NIGHT BEFORE AND SPENT THE NIGHT IN THAT HOTEL AT THE AIRPORT, BUT I'M NOT SURE ABOUT THAT NEITHER. I JUST THINK THAT, AND I DON'T KNOW WHY I THINK THAT, OTHER THAN THE FACT THAT -- I DID NOT SEE HIM IMMEDIATELY.

I DID SEE THE ROMANO IMPERSONATOR, AND I DID SEE AGENT MURPHY AND SEVERAL OTHER AGENTS. THEY HAD IT COVERED LIKE A BLANKET. I SORT OF THOUGHT THAT BORDERS WASN'T GOING TO SHOW BECAUSE HE DIDN'T APPEAR WHEN HE -- LIKE AT 9:00 O'CLOCK HE WAS GOING TO BE HERE, AND HE WASN'T THERE.

MAYBE TEN OR 15 OR 20 MINUTES AFTER WHATEVER TIME THE APPOINTMENT WAS FOR THAT HE WAS GOING TO MEET, HE DID SHOW.

Q. WHAT HAPPENED?

A. I DON'T KNOW WHETHER HE -- I DON'T KNOW WHETHER HE CALLED ME OR PAGED ME ON THE PHONE AND TOLD ME HE WAS

UPSTAIRS OR WHETHER HE MET ME AND SAID WE WILL MEET UPSTAIRS AT THE COFFEE SHOP OR LOUNGE AT THE HOTEL IN THE UPSTAIRS AND I TOOK THE ROMANO IMPERSONATOR OR TOLD HIM WHERE TO MEET US. I DON'T REMEMBER. I DON'T REMEMBER HOW IT CAME ABOUT.

BUT UP JUST OUTSIDE OF THE ELEVATOR AT THE HOTEL IN THE AIRPORT I INTRODUCED ROMANO TO BORDERS AND SAID, "THIS IS" -- WHATEVER ROMANO HE WAS SUPPOSED TO BE -- "AND THIS IS WILLIAM BORDERS, THE ATTORNEY FROM WASHINGTON, D.C. WHO BELIEVES HE CAN HELP YOU WITH THIS CASE."

AND I WALKED AWAY.

Q. THEN YOU SAY THAT LATER ON THAT MORNING YOU THINK YOU GOT A CALL FROM BORDERS SAYING THAT THINGS WENT ALL RIGHT?

A. YES, SIR. AND SAID, "ARE YOU SURE THAT THAT GUY IS OKAY?"

I SAID, "HEY, I CAN ONLY TELL YOU WHAT'S BEEN TOLD TO ME."

Q. NOW, DID YOU HAVE ANYTHING FURTHER TO DO WITH THIS MATTER BETWEEN THE UNDERCOVER AGENT AND BORDERS?

A. NO, SIR.

Q. AND JUDGE HASTINGS?

A. NO, SIR.

Q. DID THERE COME A TIME WHEN BORDERS CALLED YOU AND INDICATED HE WAS CONCERNED ABOUT THIS UNDERCOVER PERSON?

A. YES, HE DID.

Q. TELL US ABOUT THAT.

A. I DON'T REMEMBER HOW LONG THEREAFTER, BUT BORDERS CALLED ME AT HOME AND SAID HE WAS A LITTLE -- I DON'T KNOW WHETHER HE SAID IT AT HOME OR NOT. HE USED TO CALL ME AND GIVE ME A NUMBER AND ASK ME TO GO OUT AND CALL HIM AT A NUMBER OUTSIDE, WHICH I DID.

Q. YOU MEAN CALL FROM A PAY PHONE?

A. YES, SIR.

Q. OKAY.

A. BUT HE CALLED ME AT ONE POINT IN TIME AND SAID THAT THIS GUY WAS REAL PUSHY OR -- THAT IS THE ROMANO, SO-CALLED ROMANO, THAT HE WASN'T, HE DIDN'T APPEAR TO BE WHAT HE CLAIMS TO BE OR WHATEVER. HE WASN'T HAPPY WITH THE MAN.

I SAID, "HEY, IF YOU FEEL UNCOMFORTABLE WITH THE MAN, WALK AWAY. WHAT ELSE CAN I TELL YOU?"

APPARENTLY, HE DIDN'T FEEL THAT UNCOMFORTABLE BECAUSE HE KEPT WITH HIM, AND I DON'T BELIEVE THAT I HAD ANY OTHER PHONE CALLS AND/OR CONVERSATIONS WITH BORDERS.

Q. DID YOU KNOW WHAT WAS TAKING PLACE DUPING THAT TIME?

A. NO, SIR.

Q. FROM THE F.B.I. OR FROM ANYONE ELSE?

A. NO, SIR.

Q. AND DID YOU HAVE ANY OTHER CONTACTS WITH WILLIAM BORDERS DURING THAT PERIOD FOR OTHER BUSINESS OR OTHER REASONS?

A. I DON'T BELIEVE SO. I DON'T BELIEVE SO.

Q. AND AFTER THAT PHONE CALL WHEN BORDERS INDICATED THAT HE WAS NERVOUS ABOUT THE UNDERCOVER AGENT, DID YOU HAVE ANY FURTHER CONVERSATIONS OR DISCUSSIONS OR TALKS WITH BORDERS?

A. I DON'T BELIEVE THAT I DID, MR. DOAR. I'M REALLY NOT SURE.

Q. UP TO THE PRESENT TIME, HAVE YOU HAD ANY CONVERSATIONS WITH HIM AT ALL?

A. NO, SIR.

Q. NONE?

A. (SHAKES HEAD NEGATIVELY).

MR. DOAR: YOUR HONOR, THIS MIGHT BE A GOOD TIME TO TAKE THE NOON RECESS.

JUDGE GODBOLD: I THINK SO. HOW LONG DO YOU SUGGEST, MR. DOAR?

MR. DOAR: WELL, MAYBE AN HOUR AND 15 MINUTES.

JUDGE GODBOLD: ALL RIGHT. IT'S 12:15. THE COMMITTEE WILL RECESS UNTIL 1:30.

MR. DOAR: I WONDER WHAT ARRANGEMENTS WE WANT TO MAKE FOR THE WITNESS TO HAVE HIS LUNCH.

JUDGE GODBOLD: WE WILL MAKE WHATEVER ARRANGEMENTS YOU AND --

THE WITNESS: I WOULD LIKE TO BE ON MY OWN.

JUDGE GODBOLD: -- JUDGE O'KELLEY'S STAFF MAY MAKE FOR HIM.

MR. DOAR: WELL, WHAT DO YOU MEAN YOU WOULD LIKE TO BE

ON YOUR OWN?

THE WITNESS: I WOULD LIKE TO BE ON MY OWN. I DON'T WANT ANY -- I DON'T NEED ANYONE WITH ME.

JUDGE GODBOLD: YOU DON'T WANT TO BE SEEN WALKING AROUND WITH AN AGENT.

WOULD YOU RATHER YOUR LUNCH BE BROUGHT UP HERE?

THE WITNESS: NO. I WOULD RATHER JUST BE ON MY OWN. I WOULD RATHER JUST BE ON MY OWN.

JUDGE GODBOLD: YOU ARE ON YOUR OWN, AND YOU ARE STILL UNDER SUBPOENA.

THE WITNESS: YES, SIR, I UNDERSTAND THAT.

MR. DOAR: WE WILL THOUGH, HOWEVER, HAVE YOU GO DOWN THE STAIRS AND OUT THE BUILDING THE WAY YOU CAME IN.

THE WITNESS: THAT'S ACCEPTABLE TO ME.

MR. DOAR: IT SEEMS TO ME IF YOU GO OUT THIS WAY THAT THERE COULD BE --

THE WITNESS: IT'S JUST THAT I -- LET ME SAY THIS. IF MURPHY IS GOING TO EAT LUNCH OR JIM HARMON, I HAVE NO OBJECTION TO GOING AND HAVING LUNCH WITH THEM. I JUST DON'T WANT TO --

JUDGE GODBOLD: YOU OUGHT TO GO WITH THEM IN MY JUDGMENT, MR. DREDGE.

THE WITNESS: I DON'T REALLY THINK IT MAKES ANY DIFFERENCE. I DO TRUST BOTH. LET ME SAY THAT TO YOU. I JUST DON'T NEED -- I MAINTAIN THAT I'M STILL MY OWN BEST

SECURITY.

JUDGE GODBOLD: I UNDERSTAND.

THE WITNESS: FOR ME TO BE -- IT'S LIKE I AM THE GUY THAT --

JUDGE GODBOLD: IS MURPHY CLOSE BY?

MR. DOAR: YES.

JUDGE GODBOLD: WHY DON'T YOU ARRANGE FOR MURPHY OR THE OTHER AGENT, IF MR. DREDGE WANTS, GET WITH HIM FOR LUNCH?

THE WITNESS: VOLUNTARILY, YOUR HONOR.

JUDGE GODBOLD: I UNDERSTAND THIS IS VOLUNTARY. WE ARE TRYING TO DO WHAT YOU WANT TO DO.

THE WITNESS: OKAY. I JUST DON'T NEED TO BE CHAPERONED IN ANY WAY. I MEAN, THOSE GUYS HAVE GOT TO EAT, TOO. THAT'S ALL.

JUDGE GODBOLD: WE UNDERSTAND.

THE WITNESS: I MEAN, I WILL GO TO DINNER WITH THESE GUYS IF THEY WANT TO BE SEEN WITH ME.

JUDGE GODBOLD: THE COMMITTEE WILL BE IN RECESS.

(THEREUPON, THE PROCEEDINGS WERE RECESSED AT 12:15 O'CLOCK P.M., AND THEN RECONVENED AS FOLLOWS.)

- - -

JUDGE GODBOLD: BE SEATED, PLEASE.

YOU MAY PROCEED, MR. DOAR.

MR. DOAR: THANK YOU, YOUR HONOR.

WITH THE COMMITTEE'S PERMISSION AND IN AN EFFORT TO SAVE TIME, I HAVE PLACED ON THIS BLACKBOARD WHICH I HOPE EVERYBODY CAN SEE THE MONTHS OF APRIL 1981 THROUGH JULY 1981.

WHEN WE HAVE THE NEXT TWO DRAWINGS MADE WE WILL PUT AUGUST, SEPTEMBER AND THEN OCTOBER AND PROBABLY FEBRUARY AND MARCH ON ANOTHER BOARD, BUT FOR PURPOSES NOW I CAN GET STARTED WITH THE COMMITTEE TO JUST SEE IF IT'S POSSIBLE FOR ME TO HELP MR. DREDGE IN ESTABLISHING DATES ABOUT WHICH THERE MAY NOT BE ANY ARGUMENT.

BY MR. DOAR:

Q. WHEN WE STARTED THIS MORNING, MR. DREDGE, WE TALKED ABOUT YOUR CASE IN BALTIMORE, AND I WANT TO PUT BEFORE YOU A NUMBER OF DOCUMENTS.

I DON'T WANT TO RUSH YOU AT ALL BUT, FOR EXAMPLE, I'M SHOWING YOU A DOCUMENT WHICH IS MARKED AS IC-319-A, AND THIS IS A DOCUMENT THAT PURPORTS TO BE A LETTER TO A FIRM OF ZUCKERMAN, SPAEDER, TAYLOR & KOLKER OF WASHINGTON.

I WOULD LIKE FOR YOU TO LOOK AT THE PAGE SEE IF YOU -- IF YOU COULD LOOK AT THE FOURTH PAGE FIRST I THINK AND SEE IF THAT'S YOUR SIGNATURE.

A. I BELIEVE IT TO BE.

Q. WELL, DOES THE DATE APPEAR TO BE SEPTEMBER 12TH, 1981?

A. THAT'S THE DAY IT SAYS.

Q. NOW, DO YOU BELIEVE AFTER LOOKING AT THAT THAT THAT WAS THE DATE THAT THE AGREEMENT WAS REACHED WITH RESPECT TO

THE MATTERS THAT YOU WERE DISCUSSING WITH THE GOVERNMENT ATTORNEYS IN BALTIMORE?

I YOU CAN TAKE SOME TIME AND READ IT, IF YOU LIKE.

A. YES. THIS SEEMS TO BE THE AGREEMENT THAT I SIGNED.

Q. NOW, THAT IS DATED SEPTEMBER 12TH, 1981?

A. UH-HUH.

Q. AND DO YOU RECALL IF IN CONNECTION WITH THE PROCEEDINGS IN THE DISTRICT OF MARYLAND IF YOU WERE FIRST NOTIFIED OF THAT PROCEEDING WHEN YOU WERE ARRESTED WHEN YOU WERE IN FLORIDA?

A. I DON'T FOLLOW YOU.

Q. I SAY, DID YOU FIRST LEARN OF THE PROCEEDINGS AGAINST YOU WHEN YOU WERE ARRESTED IN FLORIDA?

A. YES. DID I FIRST LEARN OF THEM THEN?

Q. YES.

A. YES. WHEN I WAS ARRESTED.

Q. THIS IS A CERTIFIED COPY OF THE ARREST DOCUMENT. THAT'S IC-303, AND THAT INDICATES THAT THE DATE OF THE ARREST WAS THE 10TH OF MAY, 1981.

IT'S UP HERE.

A. UH-HUH.

Q. DOES THAT IN ANY WAY REFRESH YOUR RECOLLECTION THAT THAT WAS THE TIME THAT YOU WERE ARRESTED?

A. APPARENTLY WAS.

Q. OKAY.

A. I WOULD LIKE TO POINT OUT ONE THING HERE. IN C, "THE GOVERNMENT HAS AGREED THAT IT WILL NOT CALL MR. DREDGE AS A WITNESS IN ANY CASE INCLUDING GRAND JURY PROCEEDINGS AND ANY OTHER JUDICIAL PROCEEDINGS ARISING OUT OF OR RELATING TO THE SUBJECT OF HIS COOPERATION PURSUANT TO THIS AGREEMENT."

WELL, HERE I AM, FELLOWS, AND THAT WAS AN AGREEMENT WITH THE UNITED STATES GOVERNMENT WHICH IS THIS, AND IT SEEMS TO ME THAT THE GOVERNMENT IS BOUND BY THIS.

NOTWITHSTANDING THE FACT THAT I HAVE NOW AGREED TO TESTIFY, I WOULD ONLY LIKE TO POINT OUT THAT I DON'T BELIEVE THAT THE GOVERNMENT HAS LIVED UP TO THEIR END OF THE AGREEMENT, AND WE HAVE IT HERE, AND I HATE TO BELABOR IT, BUT I THINK THAT I AM BEING PUT UPON.

BECAUSE THEY DIDN'T SPELL OUT EVERY DOT AND IOTA OF THIS THING, I DON'T BELIEVE THAT I AM BEING DEALT WITH ACCORDING TO OUR AGREEMENT.

THAT'S ALL I HAVE TO SAY ABOUT IT, BUT I JUST MUST LET THIS BODY KNOW WHAT MY FEELINGS ARE, WHETHER YOU AGREE OR NOT.

JUDGE GODBOLD: WE UNDERSTAND YOUR POSITION, MR. DREDGE.

THE WITNESS: OKAY.

LET ME POINT OUT ONE THING HERE, BECAUSE THIS DOES REFRESH MY MEMORY SOMEWHAT.

I WAS IN TOUCH WITH BORDERS ABOUT THIS CASE PRIOR TO

THIS.

MR. DOAR: I WAS GOING TO ASK YOU THAT.

THE WITNESS: BECAUSE JESSE McCRARY WAS GIVEN TO ME OR PRESENTED TO ME OR I WAS PRESENTED TO HIM, WHICHEVER YOU WILL, BY MR. BORDERS FOR THIS CASE IN MIAMI.

SO I JUST WANT -- WHAT I'M SAYING IS AND WHAT I'M TRYING TO DO IS THAT I DON'T WANT TO WITHHOLD ANYTHING FROM THIS BODY IN AS MUCH AS I HAVE NOW AGREED, AND AT THE SAME TIME I WANT TO BE AS FACTUAL AS I POSSIBLY CAN.

I GOT THIS MR. McCRARY WHO I HAD NEVER MET BEFORE FROM BILL BORDERS, SO MY ASSOCIATION WITH BILL BORDERS PRECEDES THIS ARREST.

IT VERY WELL MAY BE BECAUSE I KNEW OR WAS AWARE THAT THERE WAS OR WOULD HAVE BEEN AN INDICTMENT OR AT LEAST THEY WERE ANTICIPATING OR THINKING ABOUT INDICTING ME, AND I BELIEVE THAT THAT'S HOW I ORIGINALLY GOT TO MR. BORDERS.

BUT THIS DOES REFRESH MY MEMORY AND THIS IS BEFORE MY ARREST AND McCRARY WAS GIVEN TO ME BY BILL BORDERS.

BY MR. DOAR:

Q. WELL, I'M JUST GOING TO PUT THE 10TH OF MAY JUST TO MARK ON THE CALENDAR AND JUST GOING TO USE THAT D.R. FOR YOUR INITIALS. AND THE ARREST WAS IN MIAMI?

A. YES, SIR.

MR. DOAR, I THOUGHT THAT THE BORDERS-HASTINGS MATTER WAS AT HAND. WHY IS BILL DREDGE AT HAND?

Q. WELL, THE MATTER THAT YOU WERE BEING INQUIRED INTO IS THE BORDERS -- THE MATTER INVOLVING JUDGE HASTINGS, BUT THE PURPOSE OF THIS IS TO SEE IF I CAN GET AND ESTABLISH WITH YOU AN AGREEMENT WITH RESPECT TO THE TIMES, BECAUSE I WANT TO TRY TO BE AS PRECISE AS I CAN ON THE TIMES.

A. FAIR ENOUGH.

Q. THAT'S ALL.

A. OKAY.

Q. THIS IS A COPY, MR. DREDGE, OF THE DOCKET SHEET OF THE ROMANO TRIAL DOWN IN MIAMI, AND YOU ARE FAMILIAR WITH A DOCKET SHEET. IT'S A RECORD OF A TRIAL GENERALLY.

A. UH-HUH.

Q. DO YOU SEE THAT IT'S THE FIRST PAGE HERE IT STARTS WITH RECORD. THIS IS A RECORD ON APPEAL, BUT IT STARTS WITH A FORMAL COURT CRIMINAL DOCKET SHEET, AND IT'S UNITED STATES VERSUS THOMAS ROMANO.

A. I'M JUST LOOKING FOR A DATE, IF IT MEANS ANYTHING.

Q. WELL, IT RUNS CHRONOLOGICALLY.

THIS FIRST DATE IS IN 1978, AND YOU DIDN'T KNOW ANYTHING ABOUT THE CASE AT THAT TIME.

A. NO, SIR.

Q. BUT TURNING NOW PAST '78 AND PAST '80, IF YOU WILL NOTICE HERE THAT ACCORDING TO THIS DOCUMENT SHEET AT LEAST, ON DECEMBER 23RD THE JURY RETURNED VERDICTS OF GUILTY AGAINST EACH OF THE ROMANOS, DECEMBER 23RD, 1980.

A. OKAY.

Q. AND THEN IF YOU GO TO 1981, THERE IS A RECORD HERE OF FEBRUARY 6TH AND RUNNING ON THROUGH FEBRUARY AND THEN INTO MARCH AND THEN THROUGH MARCH INTO APRIL.

IF YOU SEE THE FIRST DATE OF MAY 4TH, YOU WILL SEE THAT THERE'S A SPECIAL VERDICT AND THERE'S A LONG RECITATION THERE WITH RESPECT TO A FINDING THAT THE ROMANOS ARE REQUIRED TO FORFEIT CERTAIN VERY SUBSTANTIAL SUMS OF MONEY.

SO THAT THE MAY 4TH DATE IS THE DATE THAT JUDGE HASTINGS ENTERED A VERDICT WITH RESPECT TO THE FORFEITURE OF THE MONEY.

THEN IF YOU GO TO THE NEXT PAGE WHICH YOU COME TO AND YOU SEE THAT THERE'S, ALL ON THE MAY 4TH, THERE'S THIS ENTRY WITH RESPECT TO --

JUDGE POINTER: JUST A MOMENT.

THE WITNESS: SEA INN. THAT'S THE NAME OF THE -- SEA INN.

BY MR. DOAR:

Q. WITH RESPECT TO THE FORFEITURE, THE SEA INN.

A. UH-HUH.

Q. AND THEN YOU GET TO THE MAY 4TH, AND THEN YOU RUN ON THROUGH JUNE, AND YOU COME UP TO JULY 9TH IN WHICH THE DOCKET SHEET REFLECTS AT THAT POINT THE COURT SENTENCED THE ROMANOS TO JAIL SENTENCES.

SO THAT YOU HAVE A SITUATION WITH THE ROMANO CASE

WHERE, ACCORDING TO THIS DOCKET SHEET WHICH IS A COPY OF THE OFFICIAL RECORD, THE ROMANOS WERE FOUND GUILTY IN THE LATTER PART OF DECEMBER 1980, AND JUDGE HASTINGS ORDERED A FORFEITURE OR FOUND THAT THERE WAS A FORFEITURE OF MONEY ON THE 4TH OF MAY, AND THEN SUBSEQUENTLY ON THE 9TH OF JULY HE IMPOSED SENTENCE.

IF I JUST PUT ON THE BOARD ON THE 9TH OF JULY HERE THAT THE ROMANOS WERE SENTENCED AND ON THE 4TH OF MAY WOULD BE THE ROMANO FORFEITURE VERDICT.

NOW, IN CONNECTION WITH THIS INVESTIGATION, WE HAVE OBTAINED CERTAIN RECORDS FROM MR. BORDERS' OFFICE WHICH REFLECTED WHEN CLIENTS CALLED OR WHEN CLIENTS CAME TO THE OFFICE.

THE LADY THAT KEPT THOSE RECORDS HAS TESTIFIED TO THE EFFECT THAT THESE WERE MAINTAINED IN THE REGULAR WAY, AND THERE ARE CERTAIN ENTRIES IN THERE REFLECTING WHEN YOU CAME TO THE OFFICE.

I WOULD LIKE TO JUST SHOW YOU THOSE SO THAT YOU SEE WHAT THE DETAILS ARE ON THAT.

THE WITNESS: I WOULD LIKE THE COURT TO BE AWARE THAT WHILE OUT TO LUNCH THAT I SPOKE TO WILLIAM MURPHY.

JUDGE GODBOLD: YES, SIR.

THE WITNESS: FEDERAL INVESTIGATOR. AND ASKED HIM ABOUT SOME POINTS TO REFRESH MY MEMORY. I JUST WANT YOU TO BE AWARE OF IT.

JUDGE GODBOLD: THANK YOU VERY MUCH.

THE WITNESS: AND TOLD HIM THAT I WAS TELLING YOU.

JUDGE GODBOLD: ALL RIGHT, SIR. THANK YOU.

MR. DOAR.

MR. DOAR: YES, SIR.

JUDGE GODBOLD: I MAY HAVE THE DOCUMENTS THAT I THINK YOU ARE LOOKING FOR.

MR. DOAR: ALL RIGHT, YOUR HONOR. IF I COULD USE THAT.

BY MR. DOAR:

Q. THESE DOCUMENTS WERE MARKED FOR IDENTIFICATION AS RECORDS OF MR. BORDERS' OFFICE, AND DIRECTING YOUR ATTENTION TO IC --

THE WITNESS: I THINK HE LEFT AUGUST OUT.

MR. DOAR: YOU DID LEAVE AUGUST OUT. THANK YOU.

THE WITNESS: I'M SORRY, MR. DOAR.

BY MR. DOAR:

Q. WHILE THEY ARE DOING THIS, MR. DREDGE, THIS IS A DOCUMENT MARKED IC-8, AND IT IS FOR EXAMPLE A RECORD OF THE ONE WEEK. I WILL REPRESENT THAT TO YOU. MAY 1ST THROUGH MAY 7TH, 1981, OF THE SECRETARY IN MR. BORDERS' LAW OFFICE. THEY HAVE MESSAGES "WHILE YOU WERE OUT, WHILE YOU WERE OUT."

FOR EXAMPLE, SOMEBODY CALLED AND THEY WEREN'T THERE. THEY TOOK THE MESSAGE DOWN.

NOW, IN THESE RECORDS -- AND I WILL JUST SHOW YOU

WHAT'S A COPY, CERTAIN RECORDS OF CALLS THAT WERE RECORDED AS FROM YOU, AND IF YOU COULD JUST LOOK AT THAT AND IF I COULD LOOK OVER YOUR SHOULDER.

YOU SEE THERE'S A CALL THERE ON THE 15TH, AND THAT'S 15TH OF MAY, 1981, WHICH INDICATES THAT YOU HAD CALLED IN TO MR. BORDERS.

A. HERE. MAY 15TH?

Q. RIGHT.

A. UH-HUH.

Q. WHICH WAS AFTER YOUR ARREST AND WOULD LOGICALLY BE AT THE TIME WHEN YOU WERE IN CONTACT WITH HIM ACCORDING TO YOUR TESTIMONY.

A. UH-HUH.

Q. THERE'S NOTHING ABOUT THIS DOCUMENT THAT -- I JUST WANT TO SHOW YOU THE DOCUMENTS THAT WERE THERE. --

THEN THERE'S ONE ON THE 18TH WHICH IS RECORDED, "BILL DREDGE CALLED WHILE YOU WERE OUT. IS ON HIS WAY HERE."

A. I WOULD LIKE TO SAY THAT THIS DWIGHT PETTIT, IN AS MUCH AS WE ARE ON THE SAME SHEET, THIS IS THE ATTORNEY IN BALTIMORE.

Q. RIGHT. I'M GLAD YOU BROUGHT THAT OUT. I WAS GOING TO DO THAT.

A. I DIDN'T KNOW WHETHER YOU WAS OR NOT. I DIDN'T WANT TO LEAVE NO STONE UNTURNED.

THIS IS WHO BORDERS TOOK ME TO AT SOME POINT IN TIME.

I DON'T REMEMBER WHEN. IN BALTIMORE.

Q. RIGHT.

THEN THERE'S A CALL ON THE 18TH, RECORDED CALL FROM YOU, AND THEN THERE'S A CALL ON THE, LET'S SEE, ON THE 19TH IN WHICH IT'S INDICATED THAT IT'S URGENT.

IS THAT YOUR NUMBER, 305-891-0737?

A. YES. THAT WAS ONE OF MY NUMBERS.

Q. IS THAT A HOME OR IS THAT YOUR ANTIQUE SHOP?

A. THAT WAS THE STORE, YES, SIR.

Q. THE ANTIQUE SHOP?

A. YES, SIR.

Q. AND THEN THERE'S A CALL HERE ON THE 21ST WHICH YOU CALLED AND ASKED -- THERE'S A NOTE, "PLEASE GET OVER TO BALTIMORE."

THESE RECORDS THAT I HAVE HERE INDICATE I THINK THAT THERE WAS PROCEEDINGS BEGINNING TO TAKE PLACE IN BALTIMORE AROUND THE 21ST OF MAY.

DOES THAT REFRESH YOUR RECOLLECTION ABOUT THAT TIME?

A. NO, IT REALLY DOESN'T, MR. DOAR, BUT I TAKE THEM TO BE FACTUAL.

Q. OKAY.

THEN THE NEXT THING IS THE 28TH IN WHICH THERE'S A NOTE, "LEAVE A NUMBER WHERE HE CAN REACH YOU. WILL CALL BACK AT 2:00."

THAT WAS A CALL TO BILL BORDERS.

WHEN THERE'S A CALL DOWN HERE ON THE 18TH OF JUNE, AND BILL DREDGE TO BILL BORDERS, "SHOULD BE HERE BY 3:00 O'CLOCK."

AGAIN, THERE WAS PROCEEDINGS GOING ON IN BALTIMORE AT THAT TIME.

A. RIGHT.

Q. AND THEN THERE'S A CALL, BILL ON THE 9TH, AND THIS NUMBER 305 --

A. THAT'S MY HOME NUMBER.

Q. 945-9939.

JUDGE GODBOLD: WHAT DATE ARE YOU ON NOW, MR. DOAR?

MR. DOAR: I'M ON JUNE 19TH.

JUDGE GODBOLD: ALL RIGHT.

BY MR. DOAR:

Q. AND THE NOTE IS "WAS COMING TOMORROW AT 2:00."

THEN THERE'S AN UNDATED ONE, BUT IT IS AROUND THE 19TH OF JUNE. NO MESSAGE LEFT.

THEN IT SKIPS ALL THE WAY TO THE 27TH OF AUGUST IN WHICH IS A MESSAGE IN WHICH YOU SAY YOU WILL CALL AGAIN.

THEN THERE'S A MESSAGE ON SEPTEMBER 9TH WHICH SAYS SOMETHING ABOUT THIS AFTERNOON OR IN THE MORNING, PLEASE CALL, AND THAT'S 945-9939.

A. HOME PHONE NUMBER.

Q. SO THAT THOSE RECORDS INDICATE THAT BETWEEN MAY AND SEPTEMBER, AS YOU TESTIFIED THIS MORNING, YOU WERE IN CONTACT

WITH BILL BORDERS ABOUT MATTERS THAT APPEARED TO IN MANY INSTANCES TO RELATE TO BALTIMORE, UP TO A PARTICULAR TIME AT LEAST.

A. (NODS HEAD AFFIRMATIVELY).

Q. IN CONNECTION WITH THIS INVESTIGATION, MR. DREDGE, THE COMMITTEE HAS OBTAINED A NUMBER OF PHONE RECORDS, AND THE COMMITTEE'S OBTAINED THE PHONE RECORDS OF MR. BORDERS' OFFICE AND MR. BORDERS' HOME AND YOUR BUSINESS AND YOUR HOME.

I COULD TAKE THE TIME TO GO THROUGH THIS WITH YOU, BUT I WANT TO SHOW YOU GENERALLY KIND OF WHAT A SUMMARY IS WITHOUT IN ANY WAY FORSAKING YOUR RIGHT TO LOOK AT THE PHONE BILLS, YOURSELF.

BUT THIS IS A ROUGH SUMMARY OF THE CALLS BETWEEN YOURSELF AND BILL BORDERS BETWEEN THE 7TH OF MAY AND, IF YOU LOOK ON THE NEXT PAGE, THE 10TH OF SEPTEMBER.

A. RIGHT.

Q. AND BY THE WAY, IN CONNECTION WITH THE CALL TO BILL BORDERS WHEN YOU TOLD HIM THAT THE ROMANOS WERE WILLING TO MEET WITH HIM, DO YOU REMEMBER IF YOU MADE THAT CALL FROM YOUR STORE?

A. NO, I DON'T.

GETTING BACK TO THAT FOR A MOMENT, WITH THAT SAME QUESTION AND THE TIME FRAME, BORDERS SAID TO BE AT WHATEVER POINT IN TIME WHEN I WAS SUPPOSED TO BE TALKING TO THE ROMANOS AND WAS NOT IN FACT TALKING TO THE ROMANOS, THAT I

SAID, "YOU KNOW, WELL, THEY HAVE BEEN RIPPED OFF ONCE AND THEY BLEW THEIR MONEY AND THEY NOW HAVE ANOTHER, THEY HAVE GOT ANOTHER SOURCE. THEY DON'T NEED YOUR SERVICES."

HE WAS PRETTY BENT OUT OF SHAPE. I GUESS HE THOUGHT SOMEONE WAS RUNNING INTERFERENCE FOR HIM, AND HE WAS ABOUT TO GET CUT OUT, BECAUSE HE SAID, "WELL, YOU KNOW," HE SAID, "I KNOW THAT I HAVE THE MAN WORKING FOR ME. LET WHOEVER THEY HAVE WHO THEY THINK IS INTERCEDING IN THEIR BENEFIT, TELL THEM TO HAVE THAT EMISSARY HAVE THE JUDGE MEET THEM IN SOME RESTAURANT, AND I WILL TELL THE JUDGE OR HE CAN TELL ME TO HAVE THE JUDGE MEET HIM IN ANOTHER RESTAURANT, AND LET'S SEE WHICH RESTAURANT THE JUDGE SHOWS UP IN."

THAT'S HOW THE SCENARIO CAME ABOUT FOR THE RESTAURANT AND TO THE HOTEL. BECAUSE BORDERS EARLIER ON HAD SAID TO ME THAT HE WAS THE REAL MAN, WHOEVER ELSE THAT -- BECAUSE I WAS JUST TALKING -- WERE FICTITIOUS AND HE IN FACT WAS THE REAL MAN, AND THAT'S HOW THE SCENARIO COME UP ABOUT HAVING THE JUDGE MEET AT THE HOTEL.

I JUST WANTED TO BRING THAT IN WHILE I WAS THINKING ABOUT IT.

Q. AND THAT HAPPENED AT SOMETIME DURING YOUR DISCUSSIONS WITH BORDERS?

A. YES, SIR.

Q. AND CAN YOU FIX THE TIME OF THAT?

A. NO, I CAN'T, MR. DOAR.

Q. WELL, SO GO BACK TO THIS TELEPHONE LOG AGAIN, THERE IS A CALL HERE FROM YOURSELF TO WILLIAM BORDERS AT 1:29 P.M. IN THE AFTERNOON FOR TWO MINUTES ON THE 10TH OF SEPTEMBER, AND THE --

A. CAN YOU TELL ME WHERE THAT PHONE CALL WAS FROM?

Q. YES. IT WAS FROM 305-891-0737. THAT'S YOUR --

A. THAT'S THE STORE.

Q. THE STORE.

A. NO. I HAD A PHONE CALL OR I HAD A DISCUSSION WITH HIM, I BELIEVE, AFTER THAT DATE. I MEAN, I'M NOT SURE WHEN THIS SEPTEMBER 10TH IS REALLY. BUT THE LAST PHONE CALL THAT I RECALL HAVING WITH BORDERS, AND TO THE BEST OF MY KNOWLEDGE IT WAS FROM A PAY PHONE, AND IF YOUR RECORDS WILL REFLECT, BORDERS CALLED ME AT MY HOUSE, THE 945-9939 NUMBER, AND ASKED ME TO GO OUT TO A PAY PHONE AND CALL HIM, AND I DID.

THE PHONE CALL WAS A VERY SHORT PHONE CALL TO MY HOUSE, AND I BELIEVE IT WAS PROBABLY SOMETIME AROUND DINNER TIME, I BELIEVE.

I LEFT MY HOUSE AND DROVE UP TO THE 163RD STREET SHOPPING CENTER, A PAY PHONE, AND CALLED BORDERS.

THAT WAS WHEN BORDERS SAID TO ME THAT HE DIDN'T FEEL COMFORTABLE WITH THIS GUY AND WITH THIS FELLOW BECAUSE HE WAS RUSHING THINGS OR TRYING TO GIVE ME TOO MUCH MONEY AT ONE TIME OR WHATEVER IT WAS. I REALLY DON'T RECALL.

I SAID TO HIM, "WELL, IF YOU DON'T LIKE WHAT HE'S

DOING OR IF YOU CAN'T MAKE IT WITH HIM, YOU KNOW, QUIT TALKING TO HIM."

I MEAN, THERE WAS NOTHING ELSE FOR ME TO SAY.

BUT THAT TO ME I BELIEVE IS THE LAST PHONE CALL THAT I EVER HAD WITH BILL BORDERS.

Q. WELL, OUR INVESTIGATION INDICATES THAT -- I DON'T HAVE MY HAND RIGHT ON THE PHONE RECORD RIGHT NOW -- THAT THAT PHONE CALL WAS ON THE 7TH OF OCTOBER.

BUT I'M GOING BACK TO THE PHONE CALL BEFORE THAT WHEN YOU INITIATED THE CALL TO BILL BORDERS TO TELL HIM THAT THE ROMANOS WERE READY TO DEAL.

ACCORDING TO OUR INVESTIGATION, MR. BORDERS CAME TO MIAMI AND MET WITH THE UNDERCOVER AGENT ON THE MORNING OF THE 12TH OF SEPTEMBER, ON A SATURDAY MORNING AT THE AIRPORT, AND AS I SAY --

A. WASN'T THERE / MEET PRIOR TO THAT WITH HASTINGS IN THE HOTEL?

Q. THE --

A. DIDN'T HASTINGS GO TO A HOTEL PRIOR TO THAT MEETING?

Q. NO. THIS WAS THE FIRST MEETING --

A. NOT A MEETING. HASTINGS -- I MEAN, I'M TRYING TO GET IT TOGETHER IN MY OWN MIND.

Q. RIGHT.

A. TO SHOW PROOF THAT THEY WERE TALKING, THAT THEY WAS NOW TALKING TO THE LEGITIMATE MAN, THE MAN THAT THEY KNEW,

WHICH IS WHAT I JUST TOLD YOU ABOUT, THAT I TOLD THEM THAT THEY WAS DEALING WITH SOMEONE ELSE. SOMEONE IS FICTITIOUS AND ONE AIN'T.

BORDERS SAID, "HAVE THEM GO MEET ONE GUY, LET HIM MEET HIS MAN AT A HOTEL AND MY MAN WILL BE AT A HOTEL."

DIDN'T THAT TAKE PLACE PRIOR TO SEPTEMBER 12TH?

Q. AS A MATTER OF FACT, IT DID NOT, BUT I'M TRYING TO FIX THE TIME THAT YOU WENT TO THE AIRPORT TO INTRODUCE BORDERS AND THE UNDERCOVER MAN.

A. THAT WAS IN THE MORNING.

JUDGE JOHNSON: I HAVE SHOWING THE MEETING AT THE FONTAINBLUE WAS SEPTEMBER 16TH.

MR. DOAR: THAT'S CORRECT.

JUDGE GODBOLD: WHAT DATE ARE YOU AND MR. DREDGE NOW TALKING ABOUT?

THE WITNESS: WE ARE ON SEPTEMBER 12TH.

MR. DOAR: MR. DREDGE HAD SAID TO ME THAT HE THOUGHT THAT THE MEETING AT THE FONTAINBLEU TOOK PLACE BEFORE THE 12TH, AND I SAID NO, IT DID NOT, WITHOUT GOING INTO IT.

THE WITNESS: OKAY. I KNOW THAT THE TIME FRAME WAS VERY CLOSE. IT WAS EITHER A FEW DAYS BEFORE OR A FEW DAYS AFTER. I WAS JUST TRYING TO RECTIFY IT IN MY OWN MIND.

BY MR. DOAR:

Q. THE POINT I WANT TO MAKE TO YOU IS, IF I COULD, IT WOULDN'T HAVE HAPPENED BEFORE YOU INTRODUCED THE PERSON THAT

WAS IMPERSONATING ONE OF THE ROMANOS TO MR. DREDGE, TO MR. BORDERS, WOULD IT? THAT HAD TO HAPPEN FIRST?

A. PERHAPS. PERHAPS. OBVIOUSLY IT DID. I MEAN, IF YOU ARE TELLING ME IT WAS. BUT I KNEW THAT IT WAS --

Q. NO. BUT UNTIL YOU CALLED UP MR. BORDERS AND TOLD HIM THAT THE ROMANOS WERE READY TO DEAL, NOTHING WAS GOING FORWARD WITH RESPECT TO THE UNDERCOVER OPERATION?

A. NO, SIR.

Q. WHAT HAPPENED BEFORE THEN?

A. I THINK THAT -- I FRANKLY DON'T REMEMBER, MR. DOAR, OTHER THAN -- I DON'T KNOW. I REALLY DON'T KNOW.

Q. WELL, LET'S JUST TAKE THE TIME -- BECAUSE I DON'T WANT TO JUST KIND OF OVER CROWD YOU WITH FACTS, BUT IT IS IMPORTANT TO THE COMMITTEE THAT WE FIX THE SEQUENCE OF THESE EVENTS.

I UNDERSTOOD YOUR TESTIMONY THIS MORNING WAS THAT AFTER YOU MET WITH THE AUTHORITIES IN BALTIMORE AND TOLD THEM "HERE'S THE WAY TO DO THIS, HERE'S THE WAY THAT YOU CAN DETERMINE WHETHER OR NOT THERE IS IN FACT CORRUPTION GOING ON WITH THE FEDERAL JUDGE, THAT I WILL INTRODUCE SOMEONE AS FRANK OR TOM ROMANO TO MR. BORDERS AND THAT'S ALL I WILL DO, AND THAT AFTER THAT I'M GOING TO GET OUT OF IT."

NOW, WAS THAT YOUR TESTIMONY THIS MORNING?

A. YES, SIR.

Q. AND I BELIEVE I UNDERSTOOD YOU TO SAY THAT YOU DID IN

FACT DO THAT AT A PARTICULAR TIME.

A. YOU ARE TELLING ME NOW IT WAS THE MORNING OF SEPTEMBER 12TH.

Q. WELL, THAT'S WHAT OUR INVESTIGATION REVEALS.

A. WELL, THEN, THAT'S WHEN IT WAS.

Q. BUT THE NEXT THING I WANT TO GET CLEAR WITH YOU IS THAT THE RESTAURANT BUSINESS COULDN'T HAVE OCCURRED UNTIL AFTER THAT FIRST MEETING.

A. IF THAT'S THE FACTS, THEN THAT'S THE FACTS.

Q. NO, BUT I MEAN JUST FROM THE WAY YOUR TESTIMONY IS. HOW COULD THE RESTAURANT MEETING HAVE OCCURRED PRIOR TO THE TIME YOU INTRODUCED THE UNDERCOVER AGENT TO BORDERS?

A. IT OBVIOUSLY DIDN'T. YOU SEE, YOU HAVE THE ADVANTAGE OF ME. YOU HAVE THESE THINGS WRITTEN DOWN. I'M TRYING TO GO FROM THE BEST I CAN FROM A BAD MEMORY.

Q. I KNOW THAT, AND THAT'S WHY --

A. BECAUSE YOU MUST KEEP IN MIND THAT WHEN BORDERS WAS TALKING TO ME ABOUT THE ROMANOS AND DOING SOMETHING, I NEVER REALLY BELIEVED HIM AT THE OUTSET. I JUST DIDN'T BELIEVE HIM.

I THOUGHT PRETTY SOON -- I MEAN, HE WILL ASK ME ABOUT IT ONCE OR TWICE AND IT WILL GO AWAY.

IT DIDN'T GO AWAY.

I HAD TOLD HIM ANY NUMBER OF TIMES THAT I HAD MET WITH ROMANO AND THEY HAD THIS AND THEY HAD THAT OR WHATEVER IT MAY

HAVE BEEN. I REALLY DON'T KNOW BECAUSE IT WASN'T ANYTHING THAT WAS FACTUAL. IT WAS ONLY THINGS THAT -- BECAUSE I DID NOT WANT TO GO TO THE ROMANOS AND DO ANYTHING.

AFTER I INITIALLY WENT TO THE GARAGE OR BODY SHOP OR WHATEVER IT WAS, AND IT WAS SOME POINT THERE AFTERWARDS THAT IT JUST, IT WASN'T -- I DID NOT WANT TO BE INVOLVED WITH THIS FEDERAL JUDGE BIT.

FIRST OF ALL, I FIGURED I WAS OUT OF MY DEPTH.

SECOND OF ALL, I THOUGHT PERHAPS THAT HE WANTED TO USE ME AS A BAG MAN, THAT I WOULD BE THE ONE TRANSPORTING MONIES OR DEALS, WHATEVER IT MAY HAVE BEEN.

IT WASN'T SO MUCH OF MY FEAR OF BORDERS. IT WAS BECAUSE OF THE FEAR OF THE OTHER PART THAT WAS TO BE INVOLVED, AND IF THINGS DIDN'T GO DOWN SWIMMINGLY WITH THEM, I WAS THE GUY THAT WAS GOING TO BE HELD ACCOUNTABLE. SO I DIDN'T WANT ANY PART OF IT.

THEY DIDN'T KNOW THE ROMANOS. THEY COULDN'T SAY THAT I HAD OR HAD NOT TALKED TO THE ROMANOS. IF I'M TELLING BORDERS THAT I'M TALKING TO ROMANO, HE HAS TO BELIEVE THAT I'M TALKING TO ROMANO.

I GUESS WITH TELLING THEM THAT THEY GOT RIPPED OFF AND REALLY COULDN'T COME UP WITH THE MONEY AND WHATEVER, BECAUSE I REALLY WASN'T TALKING TO THEM. I WAS TALKING TO NO ONE.

I SAID, "WELL, NOW THEY HAVE GOT ANOTHER SOURCE. THEY HAVE GOT ANOTHER MAN OR WHATEVER."

THIS IS BEFORE THIS 12TH MEETING. THIS IS BACK MAYBE IN MAY OR JUNE. HELL, I REALLY DON'T KNOW WHEN IT WAS. BUT IT WAS BACK EARLY ON. COULD HAVE EVEN BEEN IN APRIL. COULD HAVE EVEN BEEN IN APRIL.

JUDGE GODBOLD: MR. DOAR, I THINK YOU ARE BOTH CONFUSING US A LITTLE BIT WITHOUT INTENDING TO DO SO.

I UNDERSTOOD MR. DREDGE'S TESTIMONY TO BE EARLIER THAT BORDERS HAD SUGGESTED THE IDEA OF A HOTEL MEETING TO VERIFY A CONNECTION WITH JUDGE HASTINGS.

THE WITNESS: RIGHT.

JUDGE GODBOLD: ALL RIGHT. WHEN THAT MEETING TOOK PLACE AS A FACT IS SOMETHING THAT MR. DREDGE DOESN'T NECESSARILY KNOW.

THE WITNESS: I DON'T KNOW.

JUDGE GODBOLD: AND YOU DO KNOW, AND IT'S CONFUSED OVER THAT.

OUR INVESTIGATION TELLS US VERY FIRMLY WHEN THAT HOTEL MEETING WAS WHICH IS JUST SOMETHING THAT MR. DREDGE DOESN'T KNOW, AND I THINK THE DIFFICULTY IS YOU ARE TRYING TO GET HIM TO TELL YOU SOMETHING HE DOESN'T KNOW ABOUT.

THE WITNESS: YEAH. BECAUSE I DON'T KNOW KNOW.

JUDGE GODBOLD: CAN WE PUT ON THE BOARD AS ESTABLISHED --

MR. DOAR: I DIDN'T INTEND TO DO THAT.

JUDGE GODBOLD: YOU DID OR DID NOT?

MR. DOAR: I DID NOT INTEND TO DO THAT, BUT I

UNDERSTOOD THE WITNESS TO SAY THAT MAYBE THE MEETING HAD HAPPENED BEFORE THE 12TH.

THE WITNESS: YEAH. BECAUSE I DON'T KNOW WHEN THE MEETING WAS, AND IT REALLY --

JUDGE GODBOLD: I UNDERSTOOD HIM TO TESTIFY EARLIER THAT IT WAS DISCUSSED AS A TACTIC, AS A MEANS OF IDENTIFYING THE JUDGE.

THE WITNESS: EXACTLY. NOT AS THEM TWO, NOT AS ANYBODY TO MEET.

JUDGE GODBOLD: ALL RIGHT.

THE WITNESS: BUT IT'S TO ESTABLISH THAT THIS IN FACT IS THE -- "YOU ARE DEALING WITH THE PEOPLE, AND THE ONLY PEOPLE WHO COULD MAKE THE JUDGE BE THERE ARE ME. IF ANYBODY ELSE SHOWS UP, HE'S NOT THE JUDGE."

JUDGE TJOFLAT: "ME" BEING MR. BORDERS?

THE WITNESS: YES, SIR.

THERE CAN'T BE A DEAL IF IN FACT -- BECAUSE REMEMBER I AM TELLING BORDERS STORIES. I AM NOT TELLING BORDERS FACTS.

I SAID TO BORDERS, "THEY DON'T NEED YOU. THEY ARE DEALING WITH THE JUDGE OR WITH THE JUDGE'S REPRESENTATIVE." REMEMBER THIS IS ME SAYING IT TO BORDERS.

BORDERS KNOWS THAT HE IS THE KEY. HE KNOWS THAT. BEYOND A SHADOW OF A DOUBT HE KNOWS IT.

THE ROMANOS DON'T KNOW IT. THE ROMANOS ARE THE ONES WHO I AM TELLING THEM HAVE THE JUDGE, BECAUSE I DON'T WANT

NOTHING TO DO WITH THE CASE.

NOW, BORDERS IS NOW A LITTLE BIT BENT -- I MEAN, "WHAT? HAS THE JUDGE GOT TWO PEOPLE OUT HERE RUNNING BALLS FOR HIM? CAN'T BE. YOU TELL ROMANO TO TELL HIS GUY TO TELL THE JUDGE TO BE AT X, Y, I ON A CERTAIN DAY. I WILL TELL THE JUDGE TO BE AT A CERTAIN PLACE, X, Y, Z, AND LET THEM BE THERE AND SEE AT WHICH PLACE THE JUDGE SHOWS UP. THAT WILL SHOW THAT I AM IN FACT THE MAN AND WHOEVER YOU CLAIM OR SAY THAT THEY ARE DEALING WITH IS NOT TRUE."

SO I DON'T KNOW THE TIME FRAME OR WHEN IT WAS. I ONLY KNOW WHAT BILL BORDERS, THAT IS THE ORIGINAL SCENARIO THAT HE GAVE ME BACK BEFORE THIS MEETING.

THIS IS WHY I KNEW TO TELL THE AGENTS THAT THE ONLY WAY TO GET TO BORDERS IS THAT I CAN INTRODUCE A PERSON TO BORDERS AS BEING THE ROMANO THAT I AM TALKING TO TO GET YOU GUYS TOGETHER.

THAT'S HOW IT CAME ABOUT.

BY MR. DOAR:

Q. OKAY. WELL, THEN IF I WILL PUT HERE ON THE 12TH THE MEETING BETWEEN BORDERS AND THE UNDERCOVER AGENT WHO WAS ACTING FOR THE ROMANOS, AND THAT'S, AS YOUR TESTIMONY IS, WHEN YOU BOWED OUT OF THE MATTER UNTIL YOU GOT THIS PHONE CALL SOME MONTH LATER IN WHICH MR. BORDERS WAS ANXIOUS ABOUT THE MAN YOU HAD INTRODUCED HIM TO ON THE 12TH OF SEPTEMBER.

A. EXACTLY.

Q. OKAY.

SO THAT WE NOW HAVE A PERIOD OF TIME FROM REALLY APRIL, A SEVEN MONTH PERIOD ON THE BOARD WHERE YOU WERE IN CONTACT WITH MR. BORDERS AS YOUR TESTIMONY BEGINNING AT LEAST SOMETIME IN MAY AND PERHAPS BEFORE THE --

A. PRIOR TO MAY.

Q. PRIOR TO MAY?

A. YES, SIR.

Q. WITH RESPECT TO YOUR CASE?

A. YES, SIR.

Q. AND RUNNING ON THROUGH APRIL, MAY, JUNE, JULY, AUGUST AND UP TO SEPTEMBER 12TH?

A. AT LEAST SOME PARTS OF APRIL, MAY, JUNE, JULY, AUGUST AND SEPTEMBER AND PERHAPS SOME PARTS OF OCTOBER.

Q. SOME PARTS OF OCTOBER.

WHAT I WOULD LIKE TO DO NOW IS TO SEE IF YOU COULD -- I WANT ONE MORE DATE THAT I WOULD LIKE TO ESTABLISH WITH YOU.

WHERE DID I PUT THE DOCKET SHEET? DID I PUT IT UP HERE?

A. I DON'T HAVE ANY.

NOW, IF YOU WILL BEAR WITH ME A MINUTE BEFORE YOU SHOW ME THE DOCKET SHEET, BECAUSE I DON'T WANT YOU TO PUT WORDS IN MY MOUTH OR ATTEMPT TO PUT THOUGHTS IN MY HEAD.

AT SOME POINT IN TIME IN JUDGE HASTINGS' CASE, AND IF YOU HAVE GOT THE RECORD THERE IT WILL BE THERE -- JUDGE

HASTINGS -- AND IT HAD TO BE, I BELIEVE, PRIOR TO HERE --

Q. WHEN YOU SAY "HERE," YOU MEAN --

A. PRIOR TO THIS MEET.

Q. THIS 12TH OF SEPTEMBER?

A. YES, SIR.

HASTINGS HAD TO TAKE IT ON HIS OWN WHEN THOSE FELLOWS WERE SUPPOSED TO GO IN FOR A, WHATEVER, I DON'T KNOW WHAT IT WAS GOING TO BE, AND THAT'S THE FICTITIOUS APRIL 15TH THAT WE WERE TALKING ABOUT EARLIER ON. HASTINGS AT THAT POINT IN TIME WITHOUT ANYTHING TO DO WITH THE DEFENSE, BECAUSE THE DEFENSE DID NOT KNOW ANYTHING ABOUT IT, HASTINGS TOOK IT ON HIS OWN TO NOT HAVE ANY PROCEEDINGS THAT DAY BECAUSE -- NOW, I'M ONLY TELLING YOU WHAT WAS TOLD TO ME. THAT HE CAN'T BELIEVE THAT THESE GUYS HAVEN'T COME FORWARD AND PAID.

I WILL TELL YOU. IF YOU HAVE GOT HIS RECORDS, I'M SURE THAT THE TELEPHONE WAS BURNT UP FROM HIS OFFICE TO BILL BORDERS' OFFICE THAT DAY, AND IF YOU FIND IT IN THERE, YOU WILL PROBABLY FIND IT IN THE PHONE CALL WITH ME. YOU KNOW, "WHAT HAPPENED TO THESE GUYS? I MEAN, WHERE THE HELL ARE THEY ALL AT? WHERE IS THE MONEY AT? HOW DID CAN THESE GUYS PUT THEMSELVES IN THE PENITENTIARY AND NOT PAY?"

I THINK HASTINGS HAD ALREADY SPENT THE MONEY AND HE'S LOOKING FOR THE MONEY.

IT'S NOT A LAUGHING MATTER, BUT I CAN'T HELP BUT REMEMBER HOW IT WAS BECAUSE THEY COULDN'T BELIEVE THAT THESE

PEOPLE HAVEN'T COME WITH THE MONEY.

Q. WELL, TO PUT ONE MORE DATE ON THE BOARD AND TO REMIND YOU OF IS WHATEVER THE DATE WAS HERE THAT YOU BELIEVE JUDGE HASTINGS POSTPONED THE SENTENCING, THE SENTENCING FINALLY OCCURRED ON THE 9TH OF JULY.

A. AND DIDN'T HE GIVE THEM BACK SOME PROPERTIES OR MONIES OR WHAT NOT ON THAT DATE?

A. NO, HE DID NOT, NOT AT THAT DATE. THAT OCCURRED --

A. LATER?

Q. THAT OCCURRED LATER.

A. WELL, IF THAT OCCURRED LATER, THEN I BELIEVE THEY MUST HAVE ALREADY BEEN HOOKED UP.

Q. DID MR. BORDERS EVER TELL YOU THAT PART OF THE VERIFICATION AS TO WHETHER OR NOT JUDGE HASTINGS WAS PART OF THIS CORRUPTION WITH BORDERS WAS THAT HE WOULD ENTER AN ORDER AT SOME TIME GIVING BACK THE MONEY?

A. ABSOLUTELY.

Q. WHEN DID HE TELL YOU THAT?

A. I DON'T KNOW, MR. DOAR.

Q. BUT THAT WAS PART OF THE DEAL?

A. YES, IT WAS.

Q. BUT YOU DON'T --

A. TO THE BEST OF MY KNOWLEDGE, TO THE BEST OF MY MEMORY AT THIS POINT IN TIME, PART OF THE DEAL -- AND IT SEEMED TO ME IT WAS SOMETHING LIKE 800,000 OR A MILLION DOLLARS WORTH

OF PROPERTY AND/OR REAL ESTATE AND/OR MONIES OR WHATEVER, THEY WAS TO GET PART OF THAT BACK.

THE DEFENSE -- AGAIN, I'M ONLY GOING FROM MEMORY AND I'M GOING FROM THE BEST THAT I CAN REMEMBER, IS THAT THEY DIDN'T ASK FOR IT. OR THEY MAY HAVE IN LEGAL PROCEEDINGS AT SOME POINT IN TIME, BUT IT WAS ALSO PART OF HASTINGS' GOOD FAITH TO WHAT HE WOULD DO.

Q. WELL, LET ME ASK YOU THIS. WAS THE COMMITMENT BY BORDERS TO THE ROMANOS THAT JUDGE HASTINGS WOULD GIVE BACK CERTAIN MONEY AND ALSO NOT GIVE THEM OR SUSPEND THEIR JAIL SENTENCE?

A. I HONESTLY DON'T KNOW. I CAN'T HONESTLY SAY. WHATEVER I SAY TO YOU, I'M TRYING TO TELL YOU TRUTHFULLY. IT MAY HAVE BEEN IN CONVERSATIONS THAT I GOT FROM BORDERS AFTERWARDS, AFTER IT BECAME A FACT. I'M REALLY NOT SURE WHEN IT CAME OR HOW IT WAS.

I ONLY KNOW THAT HE WANTED ME TO INTERCEDE AND GET AHOLD OF THE ROMANOS, WHICH I NEVER DID, AND THAT HIS FRIEND ALCEE HASTINGS WAS HANDLING THE CASE.

BY THE WAY, PRIOR TO BORDERS, I HAVE NEVER HEARD OF ALCEE HASTINGS NEITHER. EVEN THOUGH I WAS IN SOUTH MIAMI AT THE TIME, I HAD NEVER HEARD OF ALCEE HASTINGS. KNEW NOTHING ABOUT THE ROMANOS. NEVER HEARD OF THEM.

BUT THE DEAL WAS THAT HE COULD, BORDERS THROUGH HASTINGS COULD RELIEVE THEM OF THEIR PROBLEM. THAT IS WHAT

THE PAYOFF WAS FOR.

Q. AND WHAT WAS THEIR PROBLEM?

A. I DON'T KNOW WHAT THEIR PROBLEM WAS.

Q. WAS THERE ANYTHING SAID ABOUT --

A. THEY HAD A CASE IN FRONT OF ALCEE HASTINGS. TO THIS DAY, I DON'T KNOW WHAT THE CASE WAS.

Q. WAS THERE ANYTHING SAID ABOUT THEM AVOIDING GOING TO JAIL?

A. YES. THEY WOULDN'T GO TO JAIL.

Q. WHAT --

A. IT SEEMS TO ME -- THAT'S NOT TRUE, AND I DON'T WANT TO SAY THAT.

YES, THEY WASN'T GOING TO GO TO JAIL.

I DON'T KNOW. I DON'T KNOW THE AMOUNT OF TIME THAT THEY WERE FACING. I DON'T KNOW THE AMOUNT OF MONIES THAT THEY WAS TO BE FINED OR HAD ALREADY LOST OR WAS GOING TO GET BACK.

I DO KNOW THAT $100,000 PAID TO BORDERS WOULD BAIL THEM OUT OF THEIR PROBLEM.

JUDGE HASTINGS WOULD SEE -- MAYBE THEY WAS GOING TO GET PROBATION, THEY WAS GOING TO GET PART OF THEIR MONEY BACK OR THEY WAS GOING TO GET A LENIENT -- I DON'T KNOW. I DON'T KNOW.

YOU KNOW, WE DIDN'T SIT DOWN AND TALK LIKE YOU AND I ARE TALKING NOW. I MEAN IT JUST DIDN'T -- IF YOU HAVE EVER

BEEN AROUND BILL BORDERS OR YOU HAVE EVER SPOKEN WITH BILL BORDERS, IT ISN'T LIKE SITTING DOWN AND TALKING TO A NORMAL, EVERY DAY HUMAN BEING.

FOR INSTANCE, WHEN I WENT TO HIS OFFICE, I SPENT MORE TIME IN THE BACK ALLEY THAN I DID IN THE OFFICE WITH ME AND BILL BORDERS.

WHEN WE WOULD TALK, WE WENT OUTSIDE INTO THE BACK ALLEY AND WALKED UP AND DOWN THE ALLEY IN THE BACK. I MEAN AS REGARDING THESE ROMANOS.

YOU JUST DON'T SIT DOWN AND TALK TO HIM. HE'S UP AND HE'S ABOUT AND HE'S MOVING AROUND AND HE'S GONE, AND NO MATTER HOW IMPORTANT WHATEVER YOU ARE TALKING ABOUT MAY BE, HE SAYS A LOT OF THINGS AND NOTHING. HE TALKS AND HE IS NOT -- IT'S DIFFICULT FOR ME TO EXPLAIN TO YOU.

I MEAN, HE PROBABLY ALWAYS FELT OR THOUGHT THAT MAYBE I MIGHT HAVE BEEN WIRED OR MAYBE THAT I COULD HAVE BEEN AN INFORMER.

I REALLY CAN'T -- I MEAN, I BELIEVE HE TRUSTED ME. HE THOUGHT THAT HE COULD TALK TO ME AND THAT I WOULD DO PRETTY MUCH WHATEVER HE WANTED ME TO DO FOR HIM. I BELIEVE THAT HE FELT THIS WAY.

AT THE SAME TOKEN, NOT A HUNDRED PERCENT OF TRUST, SO YOU ONLY HEARD FROM HIM WHAT HE WANTED YOU TO HEAR.

I MEAN, HE DIDN'T SIT DOWN AND SAY, "HEY, ALCEE AND I AND THE GIRLS WAS OUT LAST NIGHT AND WE WAS THIS AND THAT AND

TALKED AND THIS IS THE AGREEMENT WE COME TO, AND THEY ARE GOING TO GIVE YOU A HUNDRED" -- I MEAN, IT DON'T HAPPEN THAT WAY.

IT HAPPENED OVER A LONG DRAWN OUT TIME. I MEAN, AS LONG AS HELL TO ME AT THIS STAGE OF THE GAME. IT WAS EVEN LONG THEN, BUT I ALWAYS THOUGHT AT LEAST INITIALLY --

Q. INITIALLY, YOU MEAN IN APRIL?

A. -- THAT THIS SMOKE WAS GOING TO GO AWAY.

YEAH. THAT IT'S A PIPE DREAM WITH HIM.

BUT IT WASN'T A PIPE DREAM, AND WHEN HE -- AND YOU HAVE THE BEST SOURCE THAN I. YOU HAVE GOT THE RECORDS OF WHEN HE WON THE CASE IN WASHINGTON, D.C. WINNING HIS POSITION TO HOLD THE JOB.

WELL, HE WAS IN SEVENTH HEAVEN BECAUSE HE JUST BEAT THE PRESIDENT OF THE UNITED STATES, AND "I CAN MAKE JUDGES. ME, BILL BORDERS."

AT THAT POINT IN TIME IS WHEN HE SAID, YOU KNOW, "HASTINGS WILL DO WHATEVER I WANT TO DO, WHATEVER I WANT HIM TO DO."

THAT DAY HE PROBABLY TALKED MORE OR MORE OPENLY THAN AT ANY OTHER TIME.

I MEAN, YOU GUYS HAD WIRED HIS PHONE. YOU CAN HEAR FROM THE CONVERSATION ON THE WIRE. THE GUY TALKS IN CIRCLES.

I MEAN, TO GET BACK -- HE KNOWS WHERE HE'S GOING, BUT HE WILL SAY OTHER THINGS TO GO AROUND TO CONFUSE THE ISSUE OR

MAYBE TO CONFUSE THE GUY HE'S TALKING WITH. MAYBE HE'S GOING TO DAZZLE YOU WITH FOOTWORK. WHAT THE HELL DO I KNOW.

I ONLY KNOW THAT HE WAS THE VEHICLE FOR ALCEE HASTINGS.

Q. NOW, AFTER YOU HAVE LOOKED AT THIS CALENDAR AND GOT THESE DATES, CAN YOU WITH ANY MORE CERTAINTY FIX THE TIME THAT YOU WENT INTO THE U.S. ATTORNEY'S OFFICE AND TOLD THEM ABOUT WHAT WAS HAPPENING?

A. I BELIEVE IF I WAS ARRESTED -- DOES THAT SAY ON A SUNDAY?

Q. IT SAYS ON A SUNDAY, YES.

A. IF I WAS ARRESTED ON SUNDAY, THE 10TH OF MAY -- NO, I DON'T KNOW --

Q. OUR RECORDS INDICATE, AND WE HAVE RECORDS OF THE INTERVIEWS, THAT YOU WENT INTO THE U.S. ATTORNEY'S OFFICE ON I BELIEVE EITHER THE 20TH OR THE 21ST OF JULY, 1981.

A. OKAY. THEN THAT'S FAIR TO ASSUME THEN, BECAUSE I DIDN'T REMEMBER WHEN. SOMETIME PROBABLY IN THE LAST WEEK OR TEN DAYS OF MAY IS -- WELL, THE PHONE CALLS THAT HE WAS CALLING ME AND ASKING ME ABOUT GETTING WITH THE ROMANOS OR DID I MAKE A CONNECTION, DID I GET UP TO THEM, DID I GET HOOKED UP WITH THEM.

THERE SHOULD BE A RECORD SOMEWHERE OF THE DATE THAT I WENT TO THE AUTO GARAGE THERE, BECAUSE THAT -- I DID HAVE NOTES, MR. DOAR. I DON'T HAVE THEM AND HAVEN'T HAD THEM

SINCE THE DAY OF MY AGREEMENT.

Q. WHAT DID YOU MEAN WHEN YOU SAID THE DATE YOU WENT TO THE AUTO GARAGE? WHAT IS THAT DATE?

A. THAT'S THE DATE THAT I WENT TO THE AUTO GARAGE TO TALK TO BROTHER.

Q. I SEE.

A. THAT WILLIE DARA TOOK ME TO AND INTRODUCED ME TO.

Q. YESTERDAY THERE WAS A WITNESS WHO APPEARED BEFORE THE COMMITTEE, AND HE MADE A MEMORANDUM ON THE 16TH OF APRIL, 1981, THAT WAS HIS TESTIMONY, AND HE WROTE ON THE 16TH OF APRIL, '81, "ON THURSDAY, APRIL 16TH, 1981 TOM ROMANO CALLED ME REGARDING A PREVIOUS TELEPHONE CONVERSATION HE HAD HAD WITH BROTHER MOSCATO. HE TOLD ME HE WAS ABLE TO DETERMINE THAT THE GOVERNMENT WAS NOT INVOLVED AND IT WAS MERELY AN ATTEMPT BY MOSCATO TO SET HIM UP, TO RIP HIM OFF OF SOME MONEY."

IN OTHER WORDS, THIS IS A MEMORANDUM WRITTEN IN THE MIDDLE OF APRIL REFLECTING THAT SOMEBODY NAMED BROTHER MOSCATO HAD CONTACTED THE ROMANOS BEFORE THAT DATE ABOUT THE PROPOSITION THAT MR. BORDERS HAD SUGGESTED YOU APPROACH THE ROMANOS ABOUT.

A. THEN THAT'S BACK IN EARLY APRIL THEN.

Q. THAT'S BACK IN EARLY APRIL.

A. YES, SIR.

Q. AND SO THAT --

A. KEEP IN MIND THAT EARLY APRIL IS WHEN BORDERS FIRST ASKED ME DID I KNOW THE ROMANOS, HAD YOU EVER HEARD OF THE ROMANOS, "WHAT CAN YOU TELL ME ABOUT THE ROMANOS?"

Q. RIGHT.

A. I COULD TELL HIM NOTHING BECAUSE I KNEW NOTHING.

Q. RIGHT.

A. I HAD NEVER HEARD OF THEM.

BUT I SAID TO HIM, AND THIS WAS IN WASHINGTON, D.C., THAT I WOULD SEE WHAT I COULD FIND OUT ABOUT THE ROMANOS AND GET BACK TO HIM.

WHAT FRAME OF TIME THAT WAS IN, I REALLY DON'T KNOW, BUT IT WAS -- IF THAT WAS THE 16TH OF APRIL, THEN IT WAS PRIOR TO THAT THAT I WENT SCOUTING TO FIND OUT WHO THE ROMANOS WERE.

BUT AT THAT POINT IN TIME, I DID NOT KNOW ANYTHING ABOUT OR HAD NEVER HEARD OF ALCEE HASTINGS.

Q. ALL RIGHT.

WHEN YOU WENT TO THE UNITED STATES ATTORNEY'S OFFICE AND TALKED TO THEM FOR THE FIRST TIME, DO YOU REMEMBER WHETHER OR NOT YOU IDENTIFIED MR. BORDERS OTHER THAN JUST REFERRING TO HIM AS A PROMINENT WASHINGTON, D.C. LAWYER?

A. I DON'T BELIEVE THAT I DID.

Q. AND DID YOU INDICATE AT THAT TIME THAT THIS LAWYER WAS PROMINENT DURING THE CARTER ADMINISTRATION? DO YOU REMEMBER THAT?

A. I PROBABLY DID, BECAUSE I KNEW THAT HE HAD BEEN APPOINTED BY JIMMY CARTER.

Q. AND DID YOU SAY OR DO YOU REMEMBER WHETHER OR NOT YOU TOLD THE U.S. ATTORNEY THAT THAT LAWYER WAS GOING TO COME DOWN TO MIAMI THE NEXT DAY?

A. I TOLD YOU THAT EARLIER ON, THAT HE WAS COMING I BELIEVE THAT DAY.

Q. THAT IS THE DAY --

A. THE DAY THAT I'M TALKING TO WHOEVER I'M TALKING TO.

Q. AND --

A. AND I BELIEVE THAT HE IN FACT DID.

Q. AND WAS THAT THE DAY THAT YOU TOLD THE U.S. ATTORNEY THAT THIS LAWYER HAD APPROACHED YOU EARLIER ABOUT THE POSSIBILITY OF SOLICITING 150 OR $100,000 FROM THE ROMANO BROTHERS?

A. THAT COULD HAVE BEEN THE DAY, YES, SIR. AND IF THAT'S WHAT THEY SAY, THAT'S WHAT TOOK PLACE.

Q. NOW, IN CONNECTION WITH THAT MEETING --

A. I DON'T KNOW WHO I SPOKE WITH. THERE WAS SOME HALF A DOZEN DIFFERENT PEOPLE AT DIFFERENT TIMES. AT DIFFERENT POINTS THEY WOULD WALK IN AND OUT.

Q. NOW, DO YOU RECALL WHETHER OR NOT THE U.S. ATTORNEY OR ASSISTANT U.S. ATTORNEY ASKED YOU WHETHER YOUR STATEMENTS ABOUT JUDGE HASTINGS' PARTICIPATION WAS BASED UPON PERSONAL KNOWLEDGE?

A. LET ME ASK YOU, WHO ARE WE TALKING ABOUT?

Q. WE ARE TALKING ABOUT AN ATTORNEY BY THE NAME OF JOHN M. OWENS WHO WAS ONE OF THE STRIKE FORCE ATTORNEYS.

A. I DON'T RECALL THAT.

Q. UH-HUH.

A. AGAIN, I'M TRYING TO THINK OF WHO THE FEDERAL DISTRICT ATTORNEY WAS, AND HIS NAME ESCAPES ME.

Q. DO YOU RECALL TELLING HIM -- THIS IS ON THE 22ND OF, OR THIS IS THE 21ST OF JULY RIGHT HERE -- THAT JUDGE HASTINGS HAD BEEN IN WASHINGTON THE PREVIOUS WEEKEND AND THAT JUDGE HASTINGS AND BORDERS HAD MET THERE IN WASHINGTON ON THAT WEEKEND?

A. IF I TOLD HIM THAT, THEN IT HAPPENED.

Q. WELL, I JUST WANT TO ASK YOU IF YOU COULD SEARCH YOUR MEMORY AND SEE --

A. THAT MAY WELL HAVE BEEN THE DAY THAT I, OR THE PRECEDING WEEK THAT YOU ARE TALKING ABOUT THAT HASTINGS WAS IN D.C., IT MAY WELL HAVE BEEN THE DAY THAT HASTINGS WAS AT BORDERS' OFFICE AS I RELATED TO YOU EARLIER ON, BUT I HAVE NO WAY OF PUTTING IT IN A TIME FRAME.

Q. BUT DO YOU REMEMBER ANY MORE THAT IN ANY WAY INDICATED TO YOU THAT JUDGE HASTINGS WAS INVOLVED IN THIS?

A. NO, I DON'T.

I MEAN, HE HAS NEVER SAID ANYTHING IN MY PRESENCE THAT I'M AWARE OF, HASTINGS. SO THE ANSWER WOULD HAVE TO BE NO.

Q. BUT HAS HE SAID ANYTHING IN YOUR PRESENCE?

A. NOT THAT I'M AWARE OF. I MEAN, I HAVE NEVER TALKED TO HIM THAT I'M AWARE OF.

Q. YOU TESTIFIED BEFORE LUNCH ABOUT THIS TIME THAT YOU MAY HAVE SEEN HIM AT THE HILTON HOTEL.

WHAT DO YOU REMEMBER ABOUT THAT?

A. NOT A TERRIBLE LOT. I'M NOT EVEN SURE THAT HASTINGS WAS THERE. IT JUST SEEMS TO ME THAT HE WAS.

THE REASON -- I DON'T REMEMBER -- I DON'T KNOW WHY I WAS AT THE HOTEL, OR MAYBE THAT'S WHERE BORDERS ASKED ME TO MEET HIM AT. I JUST DON'T KNOW, MR. DOAR. I CAN'T TELL YOU.

IT JUST SEEMS TO ME IN THE BACK OF MY MIND THAT JUDGE HASTINGS WAS AT THE HOTEL WHEN I MET BORDERS THERE. WE WEREN'T TOGETHER. THAT IS, HASTINGS, BORDERS AND ME. IT WAS ME AND BORDERS, AND HASTINGS THERE. YOU KNOW, SITTING. NOT WITH ME. NOT WITH HIM. BECAUSE WE WAS TOGETHER. I DON'T EVEN KNOW THAT WE WERE SITTING. I DON'T RECALL.

IT WAS EITHER THE WARDMAN PARK HOTEL OR THAT HOTEL THAT, HILTON HOTEL WHERE THEY ATTEMPTED TO ASSASINATE THE PRESIDENT. I THINK IT'S THE HILTON, BUT I CAN'T SAY WITH CERTAINTY THAT HASTINGS WAS THERE. IT JUST SEEMS TO ME THAT HE WAS.

Q. WELL, IF YOU TOLD THE U.S. ATTORNEY THAT JUDGE HASTINGS WAS IN WASHINGTON, D.C. ON THE PREVIOUS WEEKEND, THE 16TH OF JULY, AT THAT TIME --

A. THEN I SEEN HIM.
Q. THEN YOU SAW HIM?
A. YES, SIR.
Q. BECAUSE YOU WOULDN'T HAVE TOLD THEM THAT UNLESS IT WAS TRUE?
A. I HAD TO SEE HIM.
MR. DOAR: MAYBE WE COULD TAKE A RECESS AT THIS TIME.
JUDGE GODBOLD: YES, SIR.
HOW LONG DO YOU ANTICIPATE?
MR. DOAR: MAYBE TEN, 15 MINUTES.
JUDGE GODBOLD: ALL RIGHT.
(THEREUPON, THE PROCEEDINGS WERE RECESSED AT 3:10 O'CLOCK P.M., AND THEN RECONVENED AS FOLLOWS.)

- - -

JUDGE GODBOLD: BE SEATED, PLEASE.
YOU MAY PROCEED, MR. DOAR.
BY MR. DOAR:
Q. DOES THE NAME MARTHA ROGERS MEAN ANYTHING TO YOU, MR. DREDGE?
A. NO, SIR.
Q. DO YOU REMEMBER THAT ONE OF THE PERSONS THAT YOU TALKED TO IN THE UNITED STATES ATTORNEY'S OFFICE IN JULY WHEN YOU WENT TO SEE THEM ABOUT THE MATTER INVOLVING WILLIAM BORDERS AND JUDGE HASTINGS, THAT THERE WAS A WOMAN THAT

TALKED TO YOU? DO YOU HAVE ANY RECOLLECTION OF THAT?

A. I HAVE A RECOLLECTION OF A WOMAN BEING THERE. I DON'T KNOW WHO SHE WAS.

Q. AND DO YOU HAVE A RECOLLECTION THAT YOU TALKED TO HER OR TALKED TO THE PEOPLE THERE OVER A PERIOD OF SEVERAL DAYS?

A. NO. I REALLY DON'T RECALL THAT, BUT APPARENTLY I DID.

Q. AND YOU DO RECALL THAT YOU DID TELL THEM THAT MR. BORDERS WAS COMING TO MIAMI AND THAT YOU WERE GOING TO MEET HIM AT THE AIRPORT OR MIGHT MEET HIM AT THE AIRPORT?

A. I SUBSEQUENTLY TOLD THEM THAT.

Q. YOU MEAN DURING ONE OF THOSE INTERVIEWS?

A. I DID NOT INITIALLY TELL THEM WHO THE ATTORNEY WAS BY NAME.

Q. I UNDERSTAND THAT.

A. UNTIL PROBABLY -- WELL, I BELIEVE THAT I EVENTUALLY DID, BUT I DIDN'T FOR SOME SEVERAL HOURS I WOULD GUESS.

Q. NOW, DID YOU HAVE AN OPPORTUNITY TO READ OVER THESE THREE MEMORANDUMS, ONE FROM MS. ROGERS AND ONE FROM MR. OWEN AND ONE BY THE F.B.I., DATED THE 29TH OF JULY, THE 28TH OF JULY AND 29TH OF JULY?

A. YES, I DID.

Q. AND THESE MEMOS REFER TO THE FACT THAT IN CONNECTION WITH THE MEETINGS THAT YOU INDICATED THAT THERE WAS ANOTHER POSSIBLE BRIBERY SITUATION IN JUDGE HASTINGS' COURT.

DO YOU REMEMBER THAT?

A. PROBABLY.

Q. WHAT DO YOU REMEMBER ABOUT THAT?

A. NOT A LOT.

Q. WHAT, IF ANYTHING, DO YOU REMEMBER?

A. YOU KNOW, I REALLY DON'T -- I REALLY DON'T -- RECALL VERY LITTLE ABOUT IT.

THE THING THAT I RECALL WAS MY DIFFICULTY IN SPEAKING TO ANYONE WHO APPARENTLY WAS OF ANY AUTHORITY.

YOU SAY THERE'S THREE STATEMENTS THERE. YOU SHOWED ME THREE. AS BAD AS MY MEMORY IS, I RECALL A LOT MORE THAN THAT. PROBABLY SIX OR SEVEN OR EIGHT PEOPLE. I DON'T KNOW HOW MANY WAS THERE. NO ONE PERSON STAYED AT ANY GIVEN TIME. THEY WOULD KEEP BRINGING IN OTHER PEOPLE.

I MEAN, IT'S LIKE THEY WANTED THE WHOLE BUILDING TO KNOW ABOUT IT, BUT YET ANYONE OF ANY IMPORTANCE WHO WAS THE FEDERAL DISTRICT ATTORNEY IS REALLY WHO I WANTED TO TALK TO, OR THAT'S WHO I THOUGHT I SHOULD TALK TO. HIS NAME I DON'T RECALL, BUT HE WAS THE UNITED STATES DISTRICT ATTORNEY FOR DADE COUNTY I GUESS, OR WHATEVER.

I DON'T KNOW THAT I EVER DID TALK TO HIM. THERE WERE SEVERAL PEOPLE. THERE WAS A WOMAN. AS A MATTER OF FACT, THERE MAY EVEN HAVE BEEN TWO. AND FOUR OR FIVE OR SIX OR SEVEN OTHER PEOPLE. AND EVERYBODY HAVING A LITTLE BIT TO TALK ABOUT BUT NOTHING OF ANY SUBSTANCE.

"WHO WAS THE LAWYER? WHAT WAS THE CASE? WHO WAS THE

JUDGE?"

AND THEN AT SOME POINT IN TIME THEY TOOK ME INTO A ROOM WHERE THERE WAS FILES OF, BOXES OF FILES ON A CASE THAT WAS THEN PENDING, AND I LEARNED THAT IT WAS A MAJOR CRIME CASE, AND I LEARNED THAT FROM THEM, NOT FROM ME, THAT THEY HAD THIS MAJOR CRIME CASE.

HASTINGS -- I MEAN BORDERS, EXCUSE ME -- WAS COMING IN. I KNEW HE WAS COMING IN. I DIDN'T TELL THEM WHAT HIS NAME WAS, BUT I GUESS IN HINDSIGHT THE THINGS THAT I DID TELL THEM IT DIDN'T TAKE THEM LONG TO PUT TWO AND TWO TOGETHER. PROMINENT BLACK ATTORNEY FROM WASHINGTON, D.C. THAT WAS APPOINTED BY PRESIDENT CARTER.

I MEAN, IT WOULDN'T TAKE AN EINSTEIN TO EVENTUALLY FIGURE IT OUT IF YOU HAVE GOT ANYTHING TO DO WITH GOVERNMENT OR POLITICS, AND THEY OBVIOUSLY HAD THE NAME OR KNEW WHAT THE NAME WAS. THAT IT WAS BORDERS.

I DON'T KNOW WHEN AND WHAT TIME FRAME. I DON'T KNOW WHEN THAT I DID TELL THEM THAT IN FACT THE ATTORNEY WAS BORDERS.

I HAVE LEARNED SUBSEQUENTLY THAT THEY HAD ALREADY SENT OUT, I BELIEVE, A SURVEILLANCE TEAM TO THE AIRPORT TO PUT HIM UNDER SURVEILLANCE, AND I BELIEVE DID.

BUT AS FAR AS ANY CONVERSATIONS THAT I HAD WITH THE MULTITUDE OF PEOPLE IN THAT OFFICE, I FRANKLY -- AND I READ THE THINGS THAT YOU GIVE ME TO READ -- DON'T RECALL THEM.

I WILL SAY THIS. THE ONLY PART THAT I CAN TELL YOU THAT IS WRONG AND AS A RESULT I THINK THE BULK OF THAT INFORMATION IS MADE UP OF THEIR OWN, AND I AM NOW UNDER OATH AND WASN'T UNDER OATH OR ANYTHING ELSE WHEN I WAS IN THERE, IS THAT I DID NOT TELL THEM WHAT MY NAME IS.

SO FOR THEM TO SAY THAT WILLIAN DREDGE OR BILL DREDGE WAS THERE, THAT IS A LIE. THAT PORTION OF IT IS A LIE, BECAUSE I DID NOT GIVE MY NAME. NOR DID I PARK MY VEHICLE THERE. NOR DID I GIVE THEM A PHONE NUMBER TO CONTACT ME OR ANYTHING ELSE.

I GAVE THEM A FICTITIOUS NAME. AND WHAT NAME THAT I GIVE THEM, I DON'T KNOW. SO I BELIEVE TODAY, AND I'M UNDER OATH, THAT I THINK THAT THE BULK OF THAT INFORMATION IN THERE IS OF THEIR DOING, NOT OF BILL DREDGE'S DOING.

Q. WELL, LET ME ASK YOU THIS. WHEN YOU WENT IN TO THE U.S. ATTORNEY'S OFFICE, DID YOU TELL THEM THAT, THE LADY THAT YOU FIRST TALKED TO OR THE PERSON YOU FIRST TALKED TO, THAT YOU HAD INFORMATION CONCERNING A PERSON NAMED SANTO TRAFFICANTE?

A. I DON'T KNOW, MR. DOAR.

Q. WELL, AT ANY TIME DURING THE CONVERSATION, THE TWO DAYS OR THREE DAYS OF CONVERSATION --

A. IT'S THEM SAYING AND YOU SAYING NOW TWO DAYS OR THREE DAYS. I DON'T REMEMBER TWO DAYS OR THREE DAYS.

Q. ALL RIGHT, MR. DREDGE. I'M SORRY.

DURING THE TIME OF THE MEETINGS THAT YOU RECALL, WHATEVER PERIOD THEY WERE, DID YOU EVER DISCUSS WITH THE PEOPLE THERE THE POSSIBILITY THAT BORDERS WAS COMING TO MIAMI TO NEGOTIATE A BRIBE TO BE PAID TO JUDGE HASTINGS BY SANTO TRAFFICANTE?

A. I DON'T KNOW.

Q. DID YOU HAVE ANY DISCUSSION DURING THOSE MEETINGS WITH RESPECT TO A PERSON KNOWN AS SANTO TRAFFICANTE?

A. I'M SURE THAT THERE MUST HAVE BEEN. AS I TOLD YOU, THEY TOOK ME INTO A ROOM, IN ONE OF THE SEVERAL ROOMS THAT I WAS IN. IT'S A BIG OFFICE WE ARE TALKING ABOUT, AND THERE WAS CASES OF COURT RECORDS, FILES, BOXES, OR WHATEVER THEY WERE, AND THERE WAS A -- AND IT HAD TO DO WITH A MAJOR CRIME CASE INVOLVING A NUMBER OF PEOPLE.

I DON'T KNOW WHETHER I READ THE NAMES ON THE BOXES OR WHETHER THEY TOLD ME THE NAMES OR HOW IT CAME ABOUT. I DON'T REMEMBER.

I BELIEVE THAT I TALKED ABOUT THE ROMANOS. THAT IS MY BEST RECOLLECTION, THAT I TALKED ABOUT THE ROMANOS.

THEY MAY WELL HAVE SAID SOMETHING ABOUT THE TRAFFICANTES, AND I MAY -- I DON'T KNOW. I DON'T KNOW. I JUST CAN'T ANSWER THAT. I DON'T KNOW.

Q. DO YOU KNOW WHETHER OR NOT YOU TOLD THEM THAT BORDERS WAS COMING TO MIAMI TO MEET SANTO TRAFFICANTE?

A. I TOLD THEM THAT BORDERS WAS -- YES, I DID. NOW, IO

MEET SANTO TRAFFICANTE?

Q. YES.

A. I DON'T REMEMBER WHETHER I DID OR NOT.

I TOLD THEM THAT BORDERS WAS COMING IN OR I SUBSEQUENTLY TOLD THEM THAT IT WAS BORDERS. I DID NOT TELL THEM THAT IT WAS BORDERS INITIALLY.

AFTER SEVERAL HOURS, I DID TELL THEM THAT THE ATTORNEY -- BECAUSE BY THEN I REALIZED THAT THEY COULD PUT TWO AND TWO TOGETHER AND THERE WOULD BE NO PROBLEM FOR THEM TO FIND OUT WHO IT WAS.

IN AS MUCH AS I WAS ALREADY THERE AND I HAD TOLD THEM WHAT I HAD TOLD THEM, THERE WASN'T ANY POINT IN NOT TELLING THEM THAT THE MAN'S NAME WAS BORDERS, AND I DESCRIBED HIM AS BEST I COULD.

JUDGE GODBOLD: MR. DOAR, HAS MR. DREDGE SEEN THE REPORT OF THE INTERVIEW OF HIM ON JULY 23RD BY AGENT MURPHY?

IF NOT, PERHAPS HE OUGHT TO SEE IT.

MR. DOAR: I THINK HE HAD IT. WHETHER OR NOT HE SAW IT --

JUDGE GODBOLD: I WOULD SUGGEST THAT WE TAKE TIME AND LET HIM READ IT, PARTICULARLY WITH RESPECT TO WHAT IT SAYS HE TOLD AGENT MURPHY ABOUT TRAFFICANTE.

THE WITNESS: WHAT I TOLD MURPHY --

JUDGE GODBOLD: JUST READ IT FIRST, I BELIEVE, MR. DREDGE, PLEASE. AT LEAST READ THE PARTS OF IT THAT RELATES

TO WHAT MURPHY SAYS YOU TOLD HIM ABOUT TRAFFICANTE.

IT PICKS UP OVER TOWARD THE BOTTOM OF THE SECOND PAGE, MR. DREDGE.

BY MR. DOAR:

Q. HAVE YOU HAD A CHANCE TO LOOK AT THAT?

A. I HAVE READ IT.

Q. DO YOU RECALL WHAT WAS SAID BY YOU TO AGENT MURPHY ABOUT SANTO TRAFFICANTE?

A. NO, I DON'T RECALL IT.

Q. DO YOU RECALL TELLING AGENT MURPHY ABOUT A MEETING THAT OCCURRED IN JULY 9TH AND 10TH IN WASHINGTON, D.C. AT A TIME WHEN SANTO TRAFFICANTE WAS STAYING AT THE HOUSE OF A MUTUAL FRIEND OF YOURS AND HIS?

A. YES, I REMEMBER TELLING THAT TO MURPHY.

DO I KNOW THAT THAT WAS TRAFFICANTE? NO, I DON'T.

HAVE I EVER SEEN SANTO TRAFFICANTE IN PERSON, KNOWINGLY INTRODUCED TO HIM? NO, I HAVE NOT.

Q. WAS THERE A PERSON THERE WHO PURPORTED TO BE SANTO TRAFFICANTE?

A. WELL, I'M NOT SURE THAT -- I'M NOT SURE THAT -- I'M NOT SURE THAT HE DID. I MEAN, I'M SURE THAT HE DIDN'T SAY THAT HE WAS SANTO TRAFFICANTE. DID I ASSUME THAT? YES, I DID.

I DON'T KNOW THAT IT IN FACT WAS SANTO TRAFFICANTE. I HAVE NEVER MET THAT I'M AWARE OF PRIOR OR SUBSEQUENTLY SANTO

TRAFFICANTE. IF HE WALKED INTO THIS ROOM, I WOULDN'T KNOW HIM.

Q. AND WHOSE HOUSE WAS THAT WHERE YOU WERE AT?

A. I DON'T BELIEVE I WILL ANSWER THAT.

Q. IS THERE A REASON WHY YOU DON'T WANT TO ANSWER THAT QUESTION?

A. I WOULD RATHER NOT ANSWER IT.

Q. OUR INVESTIGATION INDICATES THAT THAT WAS JOSEPH NESLINE'S HOUSE. OUR INVESTIGATION INDICATES THAT YOU HAD A NUMBER OF COMMUNICATIONS BY PHONE WITH MR. NESLINE OVER A PERIOD OF TIME PRIOR TO THE 9TH OF JULY.

DID YOU HAVE SUCH COMMUNICATIONS?

A. I HAVE KNOWN MR. NESLINE -- TO STAY ON THAT SUBJECT FOR A MOMENT, I HAVE KNOWN HIM FOR SOME 40 ODD YEARS.

Q. SO IT WAS HIS HOUSE THAT YOU WERE AT, WASN'T IT?

A. I DON'T KNOW WHETHER IT WAS OR NOT.

Q. DID YOU GO OUT TO DINNER WITH --

A. MR. DOAR, I'M NOT GOING TO ANSWER ANY QUESTIONS IN THIS AREA.

Q. DID YOU TELL --

A. I'M NOT GOING TO ANSWER THEM, AND I THINK IT'S FRUITLESS FOR YOU TO ASK ME. FIRST OF ALL, BECAUSE I DO NOT WANT TO LIE AND WILL NOT LIE TO THIS BODY.

I THINK THERE'S THINGS -- AGAIN, I GO BACK TO SECTION C OF MY AGREEMENT, AND THIS IS THE GOVERNMENT, AND I DON'T

BELIEVE THAT I'M ENTITLED TO EVEN BE HERE. BUT IN AS MUCH AS I AM AND IN AS MUCH AS NOW THAT I WILL TELL YOU WHATEVER I CAN FACTUALLY AND TRUTHFULLY, I WILL.

THINGS THAT -- I DO NOT WANT TO DISCUSS MR. NESLINE IN ANY SHAPE, FORM OR FASHION.

I KNOW THAT YOU HAVE A JOB TO DO.

THERE'S JUST NO WAY THAT I WANT TO TALK ABOUT MR. NESLINE.

Q. WELL, I WANT TO ASK YOU ABOUT THE THINGS THAT YOU TOLD THE U.S. ATTORNEY, AND I WANT TO KNOW WHETHER OR NOT --

JUDGE TJOFLAT: ARE YOU REFERRING TO THE U.S. ATTORNEY OR AGENT MURPHY?

MR. DOAR: I'M REFERRING BOTH TO THE U.S. ATTORNEY AND AGENT MURPHY SUBSEQUENTLY.

BY MR. DOAR:

Q. I WANT TO KNOW ABOUT THE THINGS YOU TOLD -- LET'S STAY ON AGENT MURPHY. I JUST WANT TO KNOW IF YOU TOLD AGENT MURPHY THESE THINGS THAT ARE RECORDED IN HIS REPORT.

A. I NEVER ONCE MENTIONED TO MR. MURPHY ANYTHING ABOUT MR. NESLINE, OR TO ANYONE ELSE FOR THAT MATTER.

Q. BUT YOU DID TELL HIM THAT ON THE WEEKEND OF THE 9TH AND 10TH OF JULY, SANTO TRAFFICANTE CAME TO A HOUSE OF A FRIEND OF YOURS?

A. WELL, I HAVE MANY FRIENDS, MR. DOAR, AS ODD AS IT MAY SEEM.

Q. BUT DID YOU TELL HIM THAT HE CAME TO A HOUSE IN WASHINGTON WHERE YOU WERE AT?

A. A PERSON CAME THAT I BELIEVE TO BE SANTO TRAFFICANTE.

Q. AND DID YOU --

A. NOT BEING INTRODUCED TO HIM.

Q. DID YOU COME TO LEARN THAT THERE WAS ALSO AN EFFORT BEING MADE TO NEGOTIATE A BRIBE WITH BORDERS AND JUDGE HASTINGS INVOLVING SANTO TRAFFICANTE?

A. I HEARD, AND I DON'T REMEMBER HOW I HEARD. I WASN'T TOLD STRAIGHT OUT. I WAS NOT PART OF THE CONVERSATION, BUT I OVERHEARD BITS AND PIECES WHICH LED ME TO BELIEVE THAT TRAFFICANTE WAS GOING TO MEET WITH BORDERS.

I THINK THAT SHOULD SUFFICE.

I DID NOT HEAR IT FIRSTHAND. IT WAS NOT TOLD TO ME. I WAS NOT PRIVY TO THAT INFORMATION. I OVERHEARD, AND I DON'T KNOW THAT THE FELLOW THAT YOU HAVE, THAT YOU ARE ALLUDING TO THERE WAS IN FACT SANTO TRAFFICANTE. I HAVE NEVER SEEN SANTO TRAFFICANTE THAT I KNOW OF. THAT IS, FOR SOMEONE TO SAY TO ME, "HEY, THIS IS SANTO TRAFFICANTE." I DON'T KNOW THE MAN.

Q. WELL, OUR INVESTIGATION SHOWS THAT MR. BORDERS DID COME TO MIAMI ON THE 21ST OF JULY, HE DID GO TO YOUR HOUSE, HE DID --

A. BY CAB.

Q. BY CAB.

HE DID SPEND AN HOUR OR MORE AT YOUR HOUSE.

A. I HAVE TOLD YOU THAT.

Q. HE DID THEN GO TO A SHOPPING CENTER WITH YOU IN NORTH MIAMI AND THEN HE LEFT YOU.

A. GOT A CAB.

Q. HE GOT A CAB.

A. YES, SIR.

Q. AND OUR INVESTIGATION REVEALS OR SHOWS THAT HE THEN MET WITH SANTO TRAFFICANTE.

I JUST ADVISE YOU OF THAT.

AND THEN --

A. AND I'M NOT IN A DISAGREEMENT WITH YOU, NOT AT ALL. BUT IT IS NOT ANYTHING THAT I PERSONALLY KNOW FIRSTHAND. I ONLY HEARD, OVERHEARD BITS AND PIECES.

Q. DO YOU REMEMBER WHAT THE BITS AND PIECES WERE?

A. NO. OTHER THAN HE WAS GOING TO MEET WITH, OR IT MAY HAVE BEEN BORDERS THAT -- I DON'T KNOW HOW I HEARD THE CONVERSATION. I DON'T RECALL. I DON'T RECALL.

Q. DID YOU RECALL ANYTHING ABOUT JUDGE HASTINGS IN THAT CONVERSATION?

A. WELL, HASTINGS -- NO. I'M NOT GOING TO SAY THAT. I REALLY DON'T KNOW, MR. DOAR.

Q. NOW --

A. I KNOW THAT BORDERS -- IT'S EITHER THAT I OVERHEARD BORDERS' CONVERSATION OR I OVERHEARD ANOTHER CONVERSATION,

AND I'M REALLY, I'M NOT SURE, AND I'M NOT BEING EVASIVE BECAUSE I WOULD TELL YOU FLAT OUT I DON'T WANT TO ANSWER IT OR NOT. I'M TRYING TO TELL YOU AND TO BE AS HONEST AND AS STRAIGHT FORWARD AS I CAN.

I REALLY DON'T REMEMBER HOW I HEARD THE CONVERSATION, BUT THE CONVERSATION I DID HEAR, THAT BORDERS WOULD MEET WITH TRAFFICANTE IN MIAMI.

I SUBSEQUENTLY GOT A PHONE CALL TO PICK BORDERS UP AT THE AIRPORT IN MIAMI, AND I WAS SUPPOSED TO PICK HIM UP AND DIDN'T.

HE CAUGHT A CAB AND WENT TO MY HOUSE AND ASKED ME HOW COME I DIDN'T PICK HIM UP.

THE BEST THAT I REMEMBER I TOLD HIM I RAN OUT OF GAS OR I HAD A FLAT TIRE OR WHATEVER, AND I COULDN'T MAKE IT.

HE STAYED AT MY HOUSE FOR ABOUT AN HOUR AND A HALF, AN HOUR, I DON'T KNOW HOW LONG, AND ASKED ME TO TAKE HIM TO A CAB STAND. I DID.

WHEN I GOT THE PHONE CALL TO PICK HIM UP, IT WAS CLEAR IN MY MIND THAT HE WAS MEETING WITH TRAFFICANTE.

IT HAD NOTHING TO DO WITH THE ROMANO THING. THAT WAS -- AND I DON'T REMEMBER IN WHAT SHAPE THAT WAS IN AT THE TIME OTHER THAN MAYBE I MIGHT HAVE BEEN FORESTALLING HIM.

BUT I BELIEVED IN MY OWN MIND THAT HE WAS GOING TO MEET TRAFFICANTE. IT WASN'T ANYTHING THAT HE PERSONALLY TOLD ME. IT WASN'T ANYTHING THAT ANYONE PERSONALLY TOLD ME. IT'S

WHAT I OVERHEARD AND PUT TWO AND TWO TOGETHER.

NOW, IF HE'S MEETING TRAFFICANTE, HE'S ONLY MEETING HIM FOR ONE REASON.

Q. BUT AS YOU TESTIFY HERE TODAY, NO ONE TOLD YOU WHAT THE REASON WAS?

A. NO. I WAS NOT TOLD FLAT OUT, PERSONALLY TOLD TO ME WHAT THE REASON WAS.

Q. DID YOU OVERHEAR ANYONE SAY WHAT THE REASON WAS?

A. I OBVIOUSLY DID, AND WHO IT WAS I OVERHEARD IT FROM, I DON'T KNOW.

Q. WHAT DID YOU OVERHEAR?

A. THAT BORDERS WAS GOING TO MEET WITH TRAFFICANTE.

Q. BUT WHAT WAS THE PURPOSE OF THE MEETING?

A. WELL --

Q. LET ME ASK --

A. YOU KNOW, THIS DIDN'T COME ABOUT IN FIVE MINUTES, AND I DIDN'T PUT THIS THING TOGETHER IN FIVE MINUTES. THIS WAS OVER A TWO OR THREE OR FOUR, MAYBE EVEN A FIVE OR SIX DAY PERIOD OF TIME. LITTLE BITS AND PIECES AND BITS AND DABS.

IT WASN'T ANYTHING THAT BORDERS WAS TALKING TO ME EXCLUSIVELY ABOUT. HE WAS ONLY TALKING TO ME ABOUT THE ROMANOS.

I DON'T KNOW -- AS A MATTER OF FACT, I DON'T EVEN KNOW HOW THE TWO OF THEM WERE TO IDENTIFY ONE ANOTHER. I HAVE NO WAY OF KNOWING THAT. I HAVE NO WAY OF KNOWING. I DON'T

KNOW. I CAN'T SAY. I DON'T KNOW.

BUT THEY DAMN SURE WAS GOING TO MEET, AND THEY DID MEET. YOU ARE TELLING ME THEY MET, SO THEY MUST HAVE KNOWN ONE ANOTHER BEFORE.

OR IT MAY BE THAT WHEN -- IT MAY BE THAT THEY HAD ALREADY MET. IT MAY BE THAT THEY HAD ALREADY MET AND THEN WAS MEETING FOR THE SECOND TIME. THIS MIGHT HAVE BEEN A SECOND MEETING FOR THEM WHEN HE ASKED ME TO PICK HIM UP. BUT I DON'T KNOW. I DON'T KNOW.

Q. WELL, DID YOU KNOW AT THAT TIME THAT SANTO TRAFFICANTE HAD BEEN INDICTED BY THE UNITED STATES GOVERNMENT AND HAD HIS CASE PENDING BEFORE JUDGE HASTINGS?

A. I QUITE POSSIBLY DID. I'M REASONABLY SURE I WAS AWARE OF IT.

Q. I THINK THE RECORDS SHOW THAT SANTO TRAFFICANTE WAS INDICTED IN JUNE 15TH OR THEREABOUTS, 1981.

A. AND WHEN WAS THEIR MEET?

Q. WELL, THE MEETING WAS JULY 21ST, 1981.

JUDGE GODBOLD: THAT'S THE BORDERS-TRAFFICANTE MEETING?

MR. DOAR: RIGHT.

JUDGE TJOFLAT: WHEN HE TOOK HIM IN THE CAB?

JUDGE GODBOLD: THE EARLIER MEETING IN ATLANTA --

THE WITNESS: PARDON?

JUDGE GODBOLD: THE EARLIER MEETING IN WASHINGTON WAS

ABOUT THE 17TH OR 18TH, WASN'T IT?

MR. DOAR: THE 9TH AND 10TH IN JULY, ACCORDING TO THE INFORMATION THAT THE U.S. ATTORNEYS AND MR. MURPHY RECORDED AFTER THEY TALKED TO YOU ON THE 21ST AND 22ND OF JULY.

THE WITNESS: WELL, THEN THEY HAD MET BEFORE, BUT THEY HAD MET -- I WAS NOT AWARE OF IT. I MEAN, THAT IS FOR ME TO TELL MURPHY, "HEY, THESE GUYS ARE GOING TO MEET."

JUDGE POINTER: MAY I ASK THIS QUESTION? WAS BORDERS AT YOUR FRIEND'S HOUSE AT THAT EARLIER TIME BACK IN THE 9TH OR 10TH WHEN THIS PERSON THAT YOU ASSUME TO BE TRAFFICANTE WAS THERE?

THE WITNESS: NO. NO. AND I BELIEVE THAT'S HOW THAT I GOT BITS AND PIECES OF THE INFORMATION. I BELIEVE THAT THEY MET FOR THE FIRST TIME IN THIS 9TH OR 10TH, WHENEVER IT WAS, OF JULY, IN THAT FIRST TIME FRAME. I BELIEVE THEY ALSO MET AT THE HILTON HOTEL, AND HOW THEY WERE TO -- I DON'T RECALL. I DON'T KNOW.

AGAIN, YOU MUST UNDERSTAND THAT I'M GETTING THIS INFORMATION SECOND HANDED, OVERHEARING PARTS OF CONVERSATIONS, AND I BELIEVE THAT THE PERSON WAS TRAFFICANTE.

HE WAS NOT INTRODUCED TO ME AS -- I WAS NOT INTRODUCED TO HIM, PERIOD. I BELIEVE HIM TO BE TRAFFICANTE. ONLY BECAUSE OF A CONVERSATION OR THE CONVERSATION THAT I HEARD WITH HIM ON THE PHONE.

APPARENTLY HE CALLED TO SOLIDIFY THE MEETING.

IT'S MY BELIEF THAT HE CAME THERE, FLEW THERE TO MEET WITH BORDERS TO CUT A DEAL.

WHY DO I BELIEVE THAT? ONLY BECAUSE OF BITS AND PIECES THAT I -- AND I CANNOT TELL YOU HOW I GOT THE INFORMATION. I DON'T KNOW HOW I GOT THE INFORMATION. I HEARD IT.

JUDGE TJOFLAT: MR. DREDGE, WHAT PHONE CALL DID YOU OVERHEAR?

THE WITNESS: I BELIEVE THAT THE FELLOW THAT I BELIEVE THAT WAS TRAFFICANTE CALLED TO -- HE MAY HAVE CALLED BORDERS' OFFICE.

JUDGE TJOFLAT: AND YOU WERE PRESENT?

THE WITNESS: I WAS IN ANOTHER ROOM. I WAS IN ANOTHER ROOM. BECAUSE HE THEN OR SHORTLY THEREAFTER LEFT AND GOT A CAB --

JUDGE TJOFLAT: BORDERS DID?

THE WITNESS: NO. THIS FELLOW THAT I BELIEVE TO BE TRAFFICANTE.

JUDGE TJOFLAT: HE WAS IN BORDERS' OFFICE?

THE WITNESS: NO, SIR. WE ARE AT ANOTHER NONIDENTIFIABLE PLACE.

JUDGE TJOFLAT: ALL RIGHT. THE PLACE THAT YOU DON'T WANT TO NAME?

THE WITNESS: I JUST --

JUDGE TJOFLAT: THE POINT IS --

THE WITNESS: GO AHEAD.

JUDGE TJOFLAT: TRAFFICANTE WAS AT WHEREVER THIS PLACE WAS ON THE 9TH OR 10TH AND BORDERS CALLED?

THE WITNESS: HE APPARENTLY -- YOU SEE, BORDERS HAD TWO OR THREE PHONE NUMBERS. THAT IS, HIS OFFICE, I BELIEVE HIS MOTHER'S HOUSE, ALSO A GIRLFRIEND'S HOUSE. AND I HAD THESE NUMBERS AT SOME POINT IN TIME.

OF COURSE, A LOT OF PEOPLE DID APPARENTLY.

BORDERS HAD A MEET WITH THIS FELLOW THAT I BELIEVE TO BE TRAFFICANTE. HE DID NOT APPEAR WHERE HE WAS SUPPOSED TO HAVE APPEARED AT A GIVEN TIME.

HE THEN CAME TO THIS PLACE THAT I WAS AT AND INSTITUTED A PHONE CALL FROM THERE OR PERHAPS SEVERAL BEFORE HE EVENTUALLY HOOKED UP WITH BORDERS.

IT'S THE BITS AND PIECES THAT I HEARD AND THAT I KNEW THAT HE WAS GOING TO MEET BORDERS.

I BELIEVE THAT HE WENT TO THE, I BELIEVE THAT HILTON HOTEL. THAT'S MY BELIEF.

IT ISN'T ANYTHING THAT ANYONE TOLD ME. IT ISN'T ANYTHING THAT I PERSONALLY KNOW FIRSTHAND. IT'S ONLY WHAT I OVERHEARD AND PUT TOGETHER.

THEN A FEW DAYS -- I BELIEVE THAT I LEFT AND WENT BACK TO MIAMI THE FOLLOWING DAY, AND THIS PERSON THAT I BELIEVED TO BE TRAFFICANTE WENT TO WASHINGTON-BALTIMORE AIRPORT AND TOOK A PLANE. WHY DO I SAY THAT? BECAUSE ANOTHER PHONE -- I

HEARD HIM CALL PRIOR TO GOING OUT TO MEET BORDERS THE AIRLINE TO CONFIRM A FLIGHT BACK AND UNDER A NAME THAT WAS NOT THE NAME -- I MEAN, IT WASN'T SANTO TRAFFICANTE. IT WAS JOE, WHATEVER IT WAS. I DON'T KNOW. IT WAS AN ITALIAN SOUNDING NAME.

HE WENT TO -- AND HE WAS SOLIDIFYING A DATE TO LEAVE LATER THAT NIGHT, 11:00 OR 12:00 O'CLOCK OR 1:00 O'CLOCK IN THE MORNING OR WHATEVER.

HE WENT AND MET BORDERS, I BELIEVE.

I LEFT THE NEXT DAY, AND I WAS NOT THERE TO BE PART OF THIS MEETING. I LEFT THE NEXT DAY BACK TO MIAMI.

ABOUT TWO DAYS OR PERHAPS THREE DAYS LATER OR WHATEVER IT WAS -- AND IF YOU GUYS HAVE THE RECORDS YOU CAN LOOK AND SEE PRETTY QUICKLY -- BORDERS CALED ME AND ASKED ME TO PICK HIM UP, THAT HE HAD A MEETING.

I KNEW THAT TRAFFICANTE LIVED IN A NORTH MIAMI AREA. AGAIN, I PUT TWO AND TWO TOGETHER, THAT HE WAS BACK MEETING TRAFFICANTE AGAIN.

THAT'S THE BEST THAT I CAN TELL YOU.

JUDGE JOHNSON: MAY I ASK HIM A QUESTION?

MR. DOAR: YES, SIR.

JUDGE JOHNSON: YOUR INTERVIEW WITH THE F.B.I. AGENTS ON JULY 23, '81 REFLECTS THAT DREDGE SAID THAT ON JULY 18, '81 A MEETING OCCURRED IN WASHINGTON, D.C. BETWEEN JUDGE HASTINGS AND BORDERS RELATIVE TO THE BRIBE.

DID YOU MAKE THAT STATEMENT TO THE F.B.I. AGENTS OR ANYTHING IN THAT SUBSTANCE OR EFFECT?

THE WITNESS: I VERY EASILY COULD HAVE, YOUR HONOR.

JUDGE JOHNSON: ALL RIGHT. NOW, HOW DID YOU KNOW THAT HASTINGS AND BORDERS MET IN WASHINGTON ON JULY 18TH?

THE WITNESS: PROBABLY IF I SAID IT THEN, AND I'M NOT CERTAIN THAT I DID, BUT IF I SAID IT TO MURPHY THEN --

JUDGE JOHNSON: WELL, YOU DON'T DENY IT? OR DO YOU DENY IT?

THE WITNESS: NO, I WON'T DENY IT.

JUDGE JOHNSON: ALL RIGHT.

THE WITNESS: I'M NOT AFFIRMING IT NEITHER.

JUDGE JOHNSON: HOW DID YOU KNOW IT?

THE WITNESS: I OBVIOUSLY OVERHEARD THE CONVERSATION OR SOME CONVERSATION.

AGAIN, IT'S -- IF I TOLD IT TO MURPHY, I'M NOT DENYING THAT I DID, AND I'M NOT -- AND THE ONLY REASON I'M HEDGING IS BECAUSE I'M UNDER OATH AND I DON'T WANT TO TELL YOU A LIE.

JUDGE JOHNSON: YOU WANT TO TELL THE TRUTH, TOO.

THE WITNESS: I WANT TO TELL THE TRUTH.

JUDGE JOHNSON: ALL RIGHT.

THE WITNESS: I DON'T WANT TO LIE. I DO WANT TO TELL THE TRUTH, AND I DON'T WANT TO BE EVASIVE. I DON'T WANT TO MAKE UP THINGS, NEITHER.

IF I HEARD IT --

JUDGE JOHNSON: DO YOU UNDERSTAND MY QUESTION?

THE WITNESS: YES, SIR.

JUDGE JOHNSON: HOW DID YOU KNOW THAT MEETING OCCURRED --

THE WITNESS: OR WAS GOING TO OCCUR.

JUDGE JOHNSON: -- TO THE EXTENT THAT YOU TOLD THE F.B.I. AGENTS THAT ON JULY 23?

THE WITNESS: THE MEETING WAS -- I SAID THEY MET JULY 17TH OR 18TH?

JUDGE JOHNSON: YOU SAID JULY 18TH.

THE WITNESS: THEY MET?

JUDGE JOHNSON: THAT'S RIGHT.

THE WITNESS: THAT VERY EASILY COULD HAVE BEEN THE DAY THAT I WAS IN BORDERS' OFFICE. I DON'T KNOW.

JUDGE JOHNSON: ALL RIGHT.

THE WITNESS: THAT VERY EASILY COULD HAVE BEEN THE DAY THAT I WAS IN BORDERS' OFFICE.

JUDGE JOHNSON: HOW DID YOU KNOW THAT MEETING BETWEEN HASTINGS AND BORDERS, IF IT OCCURRED, WAS RELATIVE TO THE BRIBE?

THE WITNESS: I DON'T KNOW THAT I EVER FACTUALLY KNEW THAT.

JUDGE JOHNSON: IF IT WAS RELATIVE TO THE BRIBE, WERE YOU TALKING ABOUT THE TRAFFICANTE BRIBE OR THE ROMANO BRIBE?

THE WITNESS: THEY MAY HAVE BEEN TALKING ABOUT BOTH. I MEAN, I'M NOT INTO THEIR MINDS. I REALLY DON'T KNOW.

JUDGE JOHNSON: IN THE STATEMENT YOU GAVE TO MURPHY, THE STATEMENT REFLECTS THAT YOU TOLD HIM, F.B.I. AGENTS, ON JULY 23, '81, THAT YOU WERE TO PICK BORDERS UP AT THE MIAMI INTERNATIONAL AIRPORT AND TAKE HIM TO A MEETING WITH EITHER TRAFFICANTE OR HASTINGS OR POSSIBLY BOTH.

DID YOU MAKE THAT STATEMENT TO THE F.B.I. AGENTS?

THE WITNESS: I NOT ONLY MADE IT THEN, I SAID IT HERE.

JUDGE JOHNSON: ALL RIGHT. AND YOU RECALL THAT, TELLING THEM THAT?

THE WITNESS: NO. I REALLY DON'T RECALL TELLING THEM THAT. I DON'T RECALL. NO, I DON'T. I WOULDN'T DOUBT THAT I DID. YOU ARE ASKING ME TO RECALL -- I CAN'T RECALL --

JUDGE JOHNSON: I'M TELLING YOU WHAT IS IN THE STATEMENT THAT THE F.B.I. AGENT --

THE WITNESS: THEY HAVE BENEFIT OF WRITING ALL THESE THINGS DOWN. I DIDN'T WRITE NOTHING DOWN.

JUDGE JOHNSON: I AM TRYING TO REFRESH YOUR RECOLLECTION OR DETERMINE WHETHER YOU STATE THAT YOU DIDN'T SAY IT. THAT'S ALL I WANT.

THE WITNESS: WELL, THEN LET ME SAY THIS TO YOU, YOUR HONOR. IF I SAID IT OR IF BILL MURPHY MADE THAT STATEMENT OUT AND BILL MURPHY SAID THAT I MADE IT, I TRUST BILL MURPHY.

JUDGE JOHNSON: ALL RIGHT.

THE WITNESS: I WOULD SAY THAT I SAID IT. I HAVE NO REASON TO DOUBT ANYTHING AT ALL THAT BILL MURPHY AND I HAVE

EVER TALKED ABOUT.

JUDGE JOHNSON: ALL RIGHT. ARE YOU TELLING ME YOU AFFIRM ANYTHING THAT'S IN THE STATEMENT THAT BILL MURPHY MADE THAT HE SAYS RELATES YOUR CONVERSATION?

THE WITNESS: I WOULD SAY TO YOU THAT I DON'T BELIEVE THAT HE WOULD PUT ANYTHING DOWN THAT'S NOT FACTUAL.

JUDGE JOHNSON: ALL RIGHT.

THAT'S ALL I HAVE RIGHT NOW.

BY MR. DOAR:

Q. WITH RESPECT TO THAT MEETING ON THE 18TH, HOW DID YOU KNOW THAT THE MEETING INVOLVED, IT WAS RELATIVE TO THE BRIBE?

A. I DON'T REMEMBER HOW I KNEW. I DON'T REMEMBER HOW I KNEW. I THINK IT HAS TO BE TAKEN ON FACE VALUE THAT IF I SAID IT AND YOUR RECORDS SUBSEQUENTLY SHOW THAT THEY MET, I MUST HAVE KNEW IT AT THE TIME, EVEN THOUGH I DON'T REMEMBER FOUR YEARS LATER WHY I KNEW IT.

I MEAN, I DON'T KNOW IF YOU WANT ME TO SAY --

Q. I DON'T WANT YOU TO SAY ANYTHING.

A. YOU PEOPLE HAVE BENEFIT OF RECORDS. YOU HAVE BENEFIT OF FILES. YOU HAVE BENEFIT OF NOTES. AND I DON'T BELIEVE THAT ANYONE IN THIS COURTROOM HAS THAT GOOD A MEMORY THAT THEY CAN MAKE, NAME THINGS AND REMEMBER THINGS THAT TOOK PLACE FOUR YEARS AGO WITHOUT SOME REASON TO KEEP AND WRITE THINGS DOWN, WHICH I DID AT ONE TIME.

BUT WHEN I ENTERED INTO THE AGREEMENT WITH THE

GOVERNMENT, ANY NOTES AND WHATEVER I MAY HAVE HAD, AND I DID HAVE, AND I HAD A BUNDLE OF THEM, I DID HAVE A BUNDLE OF THEM, I DESTROYED.

HAD I KNOWN OR YOU TOLD ME THEN, "HEY, YOU KNOW, FOUR YEARS DOWN THE ROAD YOU ARE GOING TO HAVE TO HAVE THIS INFORMATION BECAUSE YOU ARE GOING TO GO BEFORE A TRIBUNAL AND THEY ARE GOING TO ASK YOU THINGS" -- I CAN'T DO IT, MR. DOAR. I CAN ONLY REMEMBER WHATEVER I CAN REMEMBER.

IF WHAT I SAID THEN IN FACT TURNED OUT BY YOUR OWN INVESTIGATIONS TO BE TRUE, THEN YOU KNOW THAT I HAD TO BE TELLING THE TRUTH THEN OR IT COULND'T HAVE HAPPENED.

JUDGE TJOFLAT: MR. DOAR, LET ME ASK.

MR. DOAR: SURE.

JUDGE TJOFLAT: MR. DREDGE, I THINK WE UNDERSTAND YOUR RELATION THAT YOU HEARD A LOT OF CONVERSATIONS OVER THIS PERIOD OF TIME, PUT SOME THINGS TOGETHER FROM --

THE WITNESS: YES, SIR.

JUDGE TJOFLAT: -- A WORD HERE AND A WORD THERE.

WHO ELSE OTHER THAN MR. BORDERS AND MR. TRAFFICANTE OR THE MAN WHO SAID HE WAS SANTO TRAFFICANTE OR WHOM YOU CONCLUDED WAS SANTO TRAFFICANTE WOULD YOU HAVE HEARD THIS INFORMATION FROM?

THE WITNESS: NO OTHERS.

JUDGE TJOFLAT: THANK YOU.

JUDGE GODBOLD: MR. DREDGE, WITH RESPECT TO THE

IDENTITY OF THE PERSON THAT YOU THOUGHT WAS SANTO TRAFFICANTE, ACTUALLY WAS IS REVEALED THAT THIS PERSON WAS UP THERE UNDER A FICTITIOUS NAME BECAUSE HE WAS IN VIOLATION OF HIS PAROLE PROVISIONS?

THE WITNESS: I ASSUME.

JUDGE GODBOLD: THAT WAS THE REASON ANOTHER NAME WAS BEING USED?

THE WITNESS: YES, SIR. I ASSUMED THAT BECAUSE HE WAS USING -- AND IT WASN'T THE SAME NAME THAT WAS TOLD TO ME, AND I KNEW THAT HE WASN'T MAKING PLANE RESERVATIONS FOR SOMEBODY ELSE.

JUDGE GODBOLD: ALL RIGHT.

THE WITNESS: LET ME SAY I GAVE MURPHY THIS INFORMATION SHORTLY AFTER THIS WAS A FACT.

FOR WHATEVER REASONS, THEY COULD NOT -- I DON'T THINK. THEY MAY HAVE, AND I'M NOT AWARE OF IT -- EVER ASCERTAINED WHAT NAME THIS MAN DID USE OR WHAT IT WAS.

BUT WHEN I TOLD HIM, KEEP IN MIND THAT IT WAS FRESH. IT WAS NEW.

JUDGE JOHNSON: AND WHILE YOU HAD YOUR NOTES.

THE WITNESS: AND I HAD THINGS WRITTEN DOWN, SO IT WASN'T -- IT REALLY WASN'T THINGS THAT I WAS MAKING OUT OF WHOLE CLOTH.

JUDGE GODBOLD: I UNDERSTAND.

BY MR. DOAR:

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Q. DO YOU RECALL WHETHER OR NOT IN AUGUST YOU HAD A SUBSEQUENT CONVERSATION WITH AGENT MURPHY ABOUT BORDERS COMING TO MIAMI AGAIN TO MEET WITH SANJO TRAFFICANTE?

A. IN AUGUST?

Q. YES, IN AUGUST.

A. HAD BORDERS BEEN ARRESTED?

Q. BORDERS WAS ARRESTED ON THE 9TH OF OCTOBER.

JUDGE TJOFLAT: MR. DOAR, THERE IS A MEMORANDA? DID MR. MURPHY MAKE A MEMO OF THAT?

JUDGE JOHNSON: YES. IT'S ON PAGE 105 AND 104.

JUDGE TJOFLAT: JUDGE GODBOLD, DO YOU THINK IT WOULD BE APPROPRIATE THAT HE HAVE AN OPPORTUNITY TO READ THAT?

JUDGE GODBOLD: YES, I DO. I DON'T HAVE IT HERE, BUT MR. DOAR MAY HAVE IT.

MR. DOAR: LET ME SEE IF I HAVE IT IN THE FILE HERE.

JUDGE JOHNSON: IT IS IN THE F.B.I. TELEXES, MR. DOAR, AUGUST 28, '81. SEPTEMBER 2, '81.

JUDGE TJOFLAT: MR. DOAR, I HAVE A NOTE THAT ON AUGUST 18TH MR. DREDGE TOLD, I BELIEVE IT'S MR. MURPHY, THAT MR. BORDERS WAS GOING TO MIAMI WITH REGARD TO THE TRAFFICANTE CASE.

MR. DOAR: THAT'S RIGHT, BUT I DON'T HAVE THAT F.B.I. REPORT HERE WITH ME.

JUDGE TJOFLAT: AND THAT MR. BORDERS DID COME ON THE 21ST, THREE DAYS LATER.

MR. DOAR: YES, I HAVE THAT. I HAVE INFORMATION THAT HE TRAVELED TO MIAMI.

JUDGE TJOFLAT: WELL, THERE'S SOMETHING ABOUT AUGUST 18TH. THERE'S AN F.B.I. MEMO OF SOME SORT RELATING --

MR. DOAR: THAT'S RIGHT.

JUDGE TJOFLAT: DATED THE 18TH OF AUGUST.

MR. DOAR: THAT'S CORRECT.

JUDGE TJOFLAT: INVOLVING A CONVERSATION BETWEEN MR. DREDGE AND MR. MURPHY.

MR. DOAR: RIGHT.

JUDGE TJOFLAT: YOU DON'T HAVE THAT?

MR. DOAR: I DON'T HAVE THAT HERE WITH ME BUT --

JUDGE TJOFLAT: WHY DON'T --

JUDGE GODBOLD: DO YOU WANT TO TAKE A BREAK AND FIND THAT F.B.I. TELEX, AUGUST 28TH, 1981?

JUDGE TJOFLAT: THERE'S ONE ON THE 18TH ALSO.

MR. DOAR: YES, I WOULD LIKE TO TAKE A BREAK.

JUDGE POINTER: JUST INCIDENTALLY BEFORE WE GO, RESPONDING TO SOMETHING EARLIER MR. DREDGE SAID, WE ARE AWARE OF DIFFICULTIES IN DATES AND REFRESHING MEMORY AND THE LIKE.

IT IS IN THIS SPIRIT THAT IN SEEING SOME OF THESE THINGS IT MAY HELP YOU BETTER PIECE TOGETHER THINGS YOU PERHAPS PRESENTLY HAVE FORGOTTEN.

JUDGE TJOFLAT: THERE IS NO INTENT TO TRICK YOU OR ANYTHING OF THAT SORT.

THE WITNESS: NO, AND I DON'T FEEL THAT WAY. I DON'T BELIEVE THAT, BUT THERE'S CERTAIN THINGS THAT, YOU KNOW, MY MIND IS LIMITED, AND I WILL TELL YOU, A LOT OF BAD THINGS I HAVE ATTEMPTED TO GET OUT OF MY MIND SINCE THIS THING CAME ABOUT.

JUDGE TJOFLAT: WE UNDERSTAND.

JUDGE GODBOLD: THE COURT WILL BE IN RECESS FOR TEN MINUTES.

(THEREUPON, THE PROCEEDINGS WERE RECESSED AT 4:25 O'CLOCK P.M., AND THEN RECONVENED AS FOLLOWS.)

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JUDGE GODBOLD: BE SEATED, PLEASE.

YOU MAY PROCEED, MR. DOAR.

MR. DOAR: IF THE COURT REPORTER COULD MARK DOCUMENT DATED JULY 29TH, 1981 AS IC-341 AND DOCUMENT DATED JULY 28TH, 1981 AS IC-342.

JUDGE GODBOLD: THAT FIRST ONE IS DATED THE 29TH AT THE TOP AND THE 23RD AT THE BOTTOM, ISN'T IT, MR. DOAR? AM I MISTAKEN?

MR. DOAR: I DON'T SEE THE 29 ON THE BOTTOM, YOUR HONOR. IT'S 29 AT THE TOP. I DON'T SEE THE 23RD AT THE BOTTOM.

JUDGE GODBOLD: ALL RIGHT, SIR.

JUDGE JOHNSON: WHAT IS THE DATE OF THE SECOND ONE,

342?

MR. DOAR: JULY 28TH, 1981.

JUDGE JOHNSON: ALL RIGHT.

JUDGE TJOFLAT: CAN YOU DESCRIBE THOSE FOR THE RECORD?

MR. DOAR: I'M GOING TO SHOW THEM TO MR. DREDGE FIRST.

JUDGE TJOFLAT: ALL RIGHT.

MR. DOAR: I WILL DO IT IN THE PROCESS.

BY MR. DOAR:

Q. MR. DREDGE, BEFORE THE AFTERNOON SESSION, DID I GIVE YOU AN OPPORTUNITY TO READ OVER THREE MEMOS THAT WERE PREPARED BY EITHER ASSISTANT U.S. ATTORNEYS OR PURPORTEDLY TO BE PREPARED BY ASSISTANT U.S. ATTORNEYS OR BY SPECIAL AGENT MURPHY AND OTHERS OF THE F.B.I.?

A. YEAH, I BELIEVE YOU DID.

Q. AND IS DOCUMENT 341, WHICH IS MARKED IC-341 AT THE BOTTOM, THAT'S OUR SYMBOL, A MEMORANDUM FROM MARTHA ROGERS TO THE FILE DATED JULY 29TH, 1981?

A. RIGHT.

Q. AND THAT'S ONE OF THE MEMOS THAT YOU HAD A CHANCE TO REVIEW?

A. RIGHT.

Q. AND IS THE SECOND MEMO IC-342 A MEMO DATED JULY 28TH, 1981, THE MEMO BEING FROM JOHN M. OWENS TO THE FILE? THAT IS THE SECOND MEMO THAT YOU HAD A CHANCE TO REVIEW?

A. UH-HUH.

Q. AND THE THIRD MEMO WAS THE MEMO DATED JULY 30TH, 1981 INVOLVING AN INTERVIEW BY THE F.B.I. ON JULY 23RD, 1981 WHICH WAS CONDUCTED BY AGENT MURPHY AMONG OTHERS?

A. YES. THIS IS THE ONE WE JUST HAD AFTER WE COME BACK FROM DINNER.

Q. RIGHT. THAT'S THE ONE THAT JUDGE JOHNSON TALKED TO YOU ABOUT?

A. RIGHT.

JUDGE TJOFLAT: THAT'S 343, ISN'T IT?

MR. DOAR: THAT'S 343.

I WOULD LIKE TO OFFER EXHIBITS 341, 342 AND 343 INTO THE RECORD --

JUDGE GODBOLD: RECEIVED.

MR. DOAR: -- FOR CONSIDERATION.

(THEREUPON, EXHIBITS NUMBER 341, 342 AND 343 WERE TENDERED AND RECEIVED BY THE COMMITTEE.)

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BY MR. DOAR:

Q. NOW, BEFORE THE BREAK, I WASN'T ABLE TO FIND THE MEMO THAT WAS DATED AUGUST 19TH, 1981, AND I WOULD LIKE TO ASK YOU IF --

MR. DOAR: FIRST, I WOULD LIKE TO ASK THE REPORTER TO MARK THAT AS 344.

BY MR. DOAR:

Q. SHOWING YOU A MEMO DATED AUGUST 19TH, 1981, AND THAT'S

AN INNER OFFICE MEMO FROM THE BUREAU, THE FEDERAL BUREAU OF INVESTIGATION.

I WOULD LIKE TO DIRECT YOUR ATTENTION TO THE SECOND PAGE OF THAT MEMO.

JUDGE GODBOLD: MR. DOAR, I UNDERSTOOD YOU TO SAY AUGUST 18 AND NOW TO SAY AUGUST 19. CAN YOU STRAIGHTEN US OUT?

THE WITNESS: IT SAYS AUGUST 19TH.

MR. DOAR: AUGUST 19TH.

JUDGE GODBOLD: ALL RIGHT, SIR. EXCUSE ME.

BY MR. DOAR:

Q. BUT I DIRECT YOUR ATTENTION TO THE SECOND PAGE OF IT. I'M CALLING YOUR ATTENTION TO THE SECOND FULL PARAGRAPH THERE WHERE IT SAYS, "ON AUGUST 18TH, 1981 DREDGE ADVISED THAT HE RECEIVED A TELEPHONE CALL FROM BORDERS IN WHICH BORDERS ADVISED THAT HE WOULD BE COMING TO THE MIAMI AREA IN THE NEXT DAY OR SO.

"DREDGE STATED THAT THE PURPOSE OF THIS VISIT WAS TO IRON OUT THE DETAILS OF THE DEAL BETWEEN TRAFFICANTE AND THE JUDGE.

"DREDGE STRESSED THAT HE WAS NOT TOLD THE DATE OR FLIGHT INFO RE BORDERS TRAVEL."

A. RIGHT.

Q. DO YOU RECALL TELLING AN AGENT OF THE BUREAU ABOUT THAT TRIP?

A. NO, I DON'T, BUT I PROBABLY DID, BUT I DON'T RECALL.
Q. WELL, I WANTED TO JUST SHOW YOU THAT IT WAS RECORDED IN THE BUREAU MEMO ON THE 19TH OF AUGUST.
A. I WILL ACCEPT IT.
Q. DID YOU KNOW WHETHER OR NOT MR. BORDERS DID COME TO THE MIAMI AREA IN THE NEXT DAY OR TWO FOLLOWING AUGUST 18TH?
A. I DON'T BELIEVE THAT HE CAME THE DAY THAT I THOUGHT HE WAS GOING TO COME.
Q. BUT WITHIN A DAY OR SO THEREAFTER?
A. MAYBE TWO DAYS OR WHATEVER.
Q. DO YOU REMEMBER WHETHER YOU SAW HIM ON THAT OCCASION?
A. I DON'T REMEMBER WHETHER I DID OR NOT, MR. DOAR.
Q. DO YOU REMEMBER WHETHER YOU TALKED TO HIM ON THE PHONE OR OTHERWISE ON THAT OCCASION?
A. WELL, IT SAYS HERE THAT HE CALLED ME ON THE PHONE, AND I STATED THAT HE CALLED ME ON THE PHONE, SO THAT IF I SAID IT, AND HE'S GOT HERE THAT I SAID IT, I'M SURE THAT I DID GET THE PHONE CALL AND I TOLD IT TO MURPHY.

I NOTICE HERE THAT IT ALSO SAYS THE STATED PURPOSE WAS TO IRON OUT THE DETAILS OF THE DEAL BETWEEN TRAFFICANTE AND THE JUDGE.

IF I TOLD HIM THAT, AND I BELIEVE THAT I DID, I MUST HAVE THOUGHT THAT IN MY OWN MIND.

AS IT STATES HERE FURTHER, I ALSO TOLD HIM ON THAT DATE THAT HE DID NOT TELL ME THE DATE OR THE FLIGHT NUMBER,

SO IF HE WASN'T EVEN GOING TO TELL ME THE DATE OR THE FLIGHT NUMBER, HE SURE AS HELL WASN'T GOING TO TELL ME HE WAS GOING TO MEET TRAFFICANTE.

IT'S SOMETHING I MUST HAVE READ INTO IT FROM PRIOR KNOWLEDGE, HOPEFULLY. I MUST HAVE BELIEVED IT AT THE TIME.

IF I SAID IT, AND IT SAYS HERE THAT I DID, THEN I SAID IT AND I BELIEVED IT.

Q. NOW, DO YOU REMEMBER TELLING THE BUREAU, A REPRESENTATIVE OF THE FEDERAL BUREAU OF INVESTIGATION, THAT PART OF THE DEAL BETWEEN THE JUDGE AND TRAFFICANTE IS THAT THE JUDGE WILL ADVISE TRAFFICANTE AS TO WHAT TYPE OF MOTIONS THAT ARE TO BE FILED THAT WOULD CAUSE HIM TO RULE FAVORABLE IN TRAFFICANTE'S FAVOR?

A. AND YOUR QUESTION IS DID I SAY THAT?

Q. DO YOU REMEMBER SAYING THAT TO AGENT MURPHY OF THE FEDERAL BUREAU?

A. AGAIN, NO, I DON'T REMEMBER SAYING IT. DID I SAY IT? I PROBABLY DID.

HOW I KNEW IT, AGAIN, I DON'T KNOW HOW I KNEW IT OR WHY I BELIEVED IT OTHER THAN THE FACT THAT I DID.

Q. LET ME SHOW YOU A DOCUMENT THAT'S MARKED AS EXHIBIT 345, IC-345.

JUDGE GODBOLD: MR. DOAR, DID YOU OFFER THE LAST --

MR. DOAR: NO. I WOULD LIKE TO TENDER THAT FOR THE COMMITTEE'S CONSIDERATION.

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JUDGE GODBOLD: AND THAT WAS WHAT? 344?

MR. DOAR: 344.

JUDGE GODBOLD: IT IS ADMITTED.

(THEREUPON, EXHIBIT NUMBER 344 WAS RENDERED AND RECEIVED BY THE COMMITTEE.)

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MR. DOAR: AND 345.

BY MR. DOAR:

Q. NOW, IC-345, MR. DREDGE, IS A DOCUMENT DATED AUGUST 28TH, 1981, ANOTHER INNER OFFICE COMMUNICATION OF THE FEDERAL BUREAU OF INVESTIGATION.

DIRECTING YOUR ATTENTION TO THE FOURTH, THIRD OR FOURTH PAGE THERE --

A. I'M ON PAGE THREE.

Q. THAT'S THE NEXT PAGE. WELL, I GUESS IT'S THE PAGE AFTER THAT.

THERE WE ARE.

IN THE MIDDLE, UNDER SUBPARAGRAPH THREE ON PAGE -- IS THAT SIX? ON PAGE 5031 AS MARKED BY THE -- IT SAYS PART OF THE DEAL BETWEEN THE JUDGE AND TRAFFICANTE IS THAT "THE JUDGE WILL ADVISE TRAFFICANTE AS TO WHAT TYPE OF MOTIONS THAT ARE TO BE FILED WHICH WOULD CAUSE HIM TO RULF FAVORABLY IN TRAFFICANTE'S FAVOR. THIS INFORMATION WAS SUPPLIED BY DREDGE."

A. WELL, WHO IS THIS FROM?

Q. THIS IS FROM THE REPRESENTATIVE, THE WASHINGTON BUREAU OFFICE.

A. WHO DID THEY GET THIS INFORMATION FROM?

Q. IT SAID IT WAS SUPPLIED BY DREDGE.

A. I DO NOT REMEMBER IT, NOR DO I RECALL IT, AND THE NAME DOESN'T MEAN A THING TO ME. I HAVE NEVER SPOKEN TO THAT INDIVIDUAL IN MY LIFE.

Q. OKAY.

JUDGE GODBOLD: WHAT IS THE DATE OF THAT, MR. DOAR?

MR. DOAR: THE DATE OF THIS MEMO IS AUGUST 28TH, 1981.

JUDGE GODBOLD: ALL RIGHT, SIR. THANK YOU.

IS THAT OFFERED?

MR. DOAR: WELL, I THOUGHT I WOULD WITHHOLD OFFERING THAT UNTIL I PROVED ABOUT WHO THE SOURCE OF THE INFORMATION WAS.

JUDGE GODBOLD: ALL RIGHT, SIR.

MR. DOAR: I WILL DO THAT.

BY MR. DOAR:

Q. NOW, MR. DREDGE, JUST TO SUMMARIZE, ON THE JULY 20TH MEETING HERE IS WHEN YOU WENT INTO THE UNITED STATES ATTORNEY'S OFFICE. WE HAVE ESTABLISHED THAT NOW I BELIEVE, THAT IT WAS THE 20TH OF JULY.

A. OKAY.

Q. AND THAT MR. BORDERS TO MIAMI AND THE MEETING WITH SANTO TRAFFICANTE WAS ON THE 21ST OF JULY.

THEN THERE WAS A SUBSEQUENT MEETING ON I BELIEVE THE 21ST OF AUGUST.

LET ME BE SURE I GOT THAT DATE RIGHT.

AUGUST 21ST.

SO YOU PICKED UP INFORMATION THAT ENABLED YOU TO BELIEVE THAT MR. BORDERS WAS GOING TO COME TO MIAMI ON THE 21ST OF JULY AND MEET WITH SANTO TRAFFICANTE, AND MR. BORDERS DID IN FACT COME TO MIAMI AND MEET WITH SANTO TRAFFICANTE THAT DAY ACCORDING TO OUR INVESTIGATION.

YOU THEN CAME INTO POSSESSION OF INFORMATION A MONTH LATER THAT ENABLED YOU TO ADVISE THE BUREAU THAT MR. BORDERS WAS RETURNING TO MIAMI ON THE 21ST OF AUGUST AND WAS GOING TO MEET AGAIN WITH SANTO TRAFFICANTE WITH RESPECT TO A DEAL INVOLVING HIS CASE THAT WAS PENDING BEFORE JUDGE HASTINGS.

IN FACT, MR. BORDERS DID COME TO MIAMI AND DID MEET WITH SANTO TRAFFICANTE ON THE 21ST OF AUGUST.

NOW, LET ME ASK YOU THIS. DID AT ANY TIME THE AGENTS OF THE BUREAU EVER ASK YOU TO DO ANYTHING WITH RESPECT TO THE SANTO TRAFFICANTE MATTER?

A. OTHER THAN TO KEEP THEM INFORMED, IF POSSIBLE.

Q. AND DID YOU EVER DO ANYTHING OTHER THAN THAT WITH RESPECT TO SANTO TRAFFICANTE?

A. NO, SIR.

Q. OKAY.

AND DURING THIS SAME PERIOD OF TIME, IF I UNDERSTOOD

YOUR TESTIMONY THIS MORNING, MR. BORDERS WAS STILL TALKING TO YOU ABOUT THE ROMANO CASE.

A. APPARENTLY.

Q. AND IT WAS DURING THIS SAME PERIOD OF TIME BETWEEN JULY AND SOMETIME IN SEPTEMBER THAT YOU WERE ALSO TALKING TO THE GOVERNMENT ATTORNEYS ABOUT COOPERATING WITH THE GOVERNMENT WITH RESPECT TO THE ROMANO CASE BY INTRODUCING MR. BORDERS TO THE UNDERCOVER AGENT.

A. YES, SIR.

Q. NOW, YOU THEN WERE IN TOUCH WITH MR. BORDERS DURING THE PERIOD FROM THE 21ST OF JULY ON A FAIRLY REGULAR BASIS UP UNTIL THE 12TH OF SEPTEMBER WHEN YOU INTRODUCED THE UNDERCOVER AGENT TO MR. BORDERS.

A. EVEN GOING BACK FURTHER THAN THAT, IF YOU WILL.

Q. BUT DURING THIS PERIOD FOR NOW THAT YOU WERE -- THE RECORDS INDICATE -- WHAT I'M LEADING UP TO IS THAT DURING THE WEEKEND OF THE 24TH AND 25TH OF AUGUST, I BELIEVE, 26TH OF AUGUST, THAT YOU WENT TO WASHINGTON AND MET WITH MR. BORDERS UP THERE AT THAT TIME.

DO YOU RECALL THAT MEETING?

A. NO, SIR, I DON'T, BUT LET ME SAY THIS. IF I DID MEET WITH BORDERS, I'M SURE THAT I CONVEYED IT TO MURPHY.

Q. AND IF YOU HAD MET WITH BORDERS, IS IT FAIR TO SAY THAT THE DISCUSSIONS ABOUT THE ROMANO CASE WERE STILL ONGOING BETWEEN YOU AND BORDERS?

A. I'M SURE THAT IT WAS.

Q. AND SO THAT WHEN YOU CALLED MR. BORDERS AND TOLD HIM THE ROMANOS WERE READY TO DEAL, YOU AND HE HAD TALKED ABOUT THE ROMANOS FOR FOUR OR FIVE MONTHS BEFORE THAT TIME?

A. WELL, I DON'T KNOW WHAT FRAME TIME YOU ARE AT NOW.

Q. I'M AT THE SEPTEMBER --

A. PRIOR TO SEPTEMBER 12TH?

Q. PRIOR TO SEPTEMBER 12TH.

A. ABSOLUTELY.

Q. ALL THE WAY BACK THROUGH --

A. A LOT.

Q. THERE HAD BEEN A LOT OF DISCUSSIONS IN AUGUST AND ALL THE WAY BACK INTO APRIL WITH RESPECT TO THE ROMANO SITUATION?

A. AT LEAST THE LATTER PART OF APRIL ON FORWARD.

Q. ON FORWARD.

AND THAT DURING THAT PERIOD OF TIME YOU HAD BEEN ADVISED THAT JUDGE HASTINGS HAD ISSUED A VERDICT IN WHICH HE REQUIRED THE ROMANOS TO FORFEIT A CONSIDERABLE AMOUNT OF MONEY AS A RESULT OF THEIR CONVICTION AND THAT YOU HAD BEEN FURTHER ADVISED THAT JUDGE HASTINGS HAD ADJOURNED THE SENTENCES, THE SENTENCING DATE OF THE ROMANOS, AND THEN YOU HAD BEEN ARRESTED DOWN IN MIAMI AND YOUR CASE WAS PENDING IN BALTIMORE.

THEN THERE WAS THESE TWO MEETINGS OR TWO TIMES UP IN WASHINGTON ON JULY 17TH AND 18TH JUST BEFORE YOU WENT IN TO

TALK WITH THE U.S. ATTORNEY AND ON THE WEEKEND BEFORE THE 10TH AND 11TH WHEN YOU WERE AT THAT FRIEND'S HOUSE WHERE MR. BORDERS WAS MEETING AND HAD MET WITH EITHER SANTO TRAFFICANTE OR WITH JUDGE HASTINGS.

I THINK YOU SAID HE MET WITH SANTO TRAFFICANTE ON THE WEEKEND OF JULY 10TH AND MET WITH JUDGE HASTINGS SOMETIME ON THE WEEKEND OF THE 17TH.

A. A PERSON WHO I BELIEVED TO BE SANTO TRAFFICANTE.

Q. RIGHT. A PERSON WHO YOU BELIEVED TO BE SANTO TRAFFICANTE.

JUDGE POINTER: MR. DOAR, IN YOUR PHRASING OF THE QUESTION, IT SOUNDED AS IF MR. DREDGE HAD SAID THAT MR. BORDERS MET AT THE FRIEND'S HOUSE, AND I DON'T THINK THAT WAS HIS EARLIER TESTIMONY.

MR. DOAR: NO, THAT WASN'T HIS TESTIMONY, AND I WITHDRAW THAT AND CORRECT THAT.

BY MR. DOAR:

Q. YOU SAID THE PERSON THAT YOU BELIEVED TO BE SANTO TRAFFICANTE HAD MADE A TELEPHONE CALL AND GONE SOMEWHERE. I THINK YOU SAID YOU THOUGHT IT MIGHT HAVE BEEN THE HILTON, BUT IT WAS ALL FROM BITS AND PIECES OF INFORMATION?

A. RIGHT. AND I BELIEVE THAT'S WHERE THEY WENT.

JUDGE TJOFLAT: THAT HE MET WITH MR. BORDERS?

MR. DOAR: YES.

THE WITNESS: YES.

JUDGE GODBOLD: YOU MAY WANT TO EXPLORE IT, MR. DOAR.

ISN'T IT A FACT THAT AFTER THE GROUP GOT TOGETHER AT THE FRIEND'S HOUSE THAT THEY ALL WENT OUT TO DINNER TOGETHER?

THE WITNESS: I DON'T BELIEVE SO.

JUDGE GODBOLD: WELL, I THOUGHT MAYBE MR. DOAR WOULD EXPLORE THE DETAILS.

BY MR. DOAR:

Q. DO YOU REMEMBER GOING OUT TO DINNER AT ALL IN WHICH SANTO TRAFFICANTE WAS IN THE SAME RESTAURANT?

JUDGE GODBOLD: OR THE PERSON IDENTIFIED AS TRAFFICANTE?

THE WITNESS: THE PERSON THAT I BELIEVED TO BE TRAFFICANTE.

JUDGE GODBOLD: THAT IS WHAT I MEAN.

THE WITNESS: I DON'T KNOW --

JUDGE GODBOLD: YOUR FRIEND'S WIFE WENT ALONG AND DIDN'T YOU SIT AT THE TABLE WITH YOUR FRIEND'S WIFE.

THE WITNESS: NO. THAT'S NOT -- WE WERE IN TWO SEPARATE AUTOMOBILES.

JUDGE GODBOLD: WELL, JUST TELL ME WHAT HAPPENED, IF YOU WILL.

THE WITNESS: WE WERE IN TWO SEPARATE AUTOMOBILES. ME AND A LADY WERE IN MY AUTOMOBILE. I REALLY DON'T KNOW. I CAN'T SAY THAT, THAT I WAS IN MY AUTOMOBILE. WE WAS IN SOMEBODY'S AUTOMOBILE. I DON'T THINK I HAD AN AUTOMOBILE

THERE, BUT I DID DRIVE THE CAR.

MY FRIEND AND THE PERSON WHO I BELIEVED TO BE TRAFFICANTE WENT IN ANOTHER VEHICLE.

WE DID GO TO THE SAME RESTAURANT. WE DID NOT SIT TOGETHER. WHATEVER TRANSPIRED, TRANSPIRED. I HAVE NO WAY OF KNOWING. WE WERE SOME DISTANCE APART. BY THAT, I MEAN, YOU KNOW, I WOULD HAVE HAD TO SHOUT TO HEAR.

JUDGE GODBOLD: ALL RIGHT, SIR.

THE WITNESS: I BELIEVE THAT THAT WAS THE NIGHT THAT HE TOOK THE 11:00, 12:00 OR 1:00 O'CLOCK FLIGHT AND LEFT, WHICHEVER NIGHT THAT MAY HAVE BEEN.

JUDGE GODBOLD: WHEN YOU SAY "HE," WHO IS THAT?

THE WITNESS: THE PARTY THAT I BELIEVED TO BE TRAFFICANTE.

JUDGE GODBOLD: YES, SIR.

JUDGE POINTER: WHEN WOULD HE HAVE GONE TO THE HILTON IN WHAT SEQUENCE OF EVENTS?

THE WITNESS: HE PROBABLY WENT TO THE HILTON, I BELIEVE, EARLIER ON THAT EVENING.

JUDGE POINTER: BEFORE YOUR DINNER?

THE WITNESS: BEFORE DINNER, YES, SIR.

IT'S MY BEST RECOLLECTION THAT THERE HAD ALREADY BEEN A MEETING TIME, AND BORDERS DID NOT APPEAR WHEREVER HE WAS SUPPOSED TO HAVE APPEARED.

THIS PARTY WHO I BELIEVE TO BE TRAFFICANTE, OR AT

LEAST I THINK IT WAS TRAFFICANTE, CAME TO THE RESIDENCE AND WANTED TO USE AND DID USE THE PHONE. MADE SEVERAL PHONE CALLS TRYING TO LOCATE BORDERS AND EVENTUALLY GOT BORDERS SOMEWHERE, AND THEY HOOKED UP AGAIN.

HE WENT BY CAB, AND I BELIEVE THAT I OVERHEARD IT WAS AT THE HILTON HOTEL. THAT'S HOW THAT CAME ABOUT.

WE WERE IN DIFFERENT AUTOMOBILES WHEN WE WENT TO THE RESTAURANT FOR DINNER.

JUDGE POINTER: THEN HE WOULD HAVE RETURNED --

THE WITNESS: I'M NOT SURE WHETHER HE RETURNED OR WHETHER MY FRIEND PICKED HIM UP AT SOME PLACE. I'M REALLY NOT SURE.

I'M NOT EVEN SURE THE NAME OF THE RESTAURANT, BUT IT'S NOT TOO FAR FROM THE HILTON. SAY FIVE MINUTES.

HE, MY FRIEND MAY HAVE WENT OVER THERE AND PICKED HIM UP. I DON'T KNOW. I DON'T KNOW HOW THEY GOT BACK TOGETHER, BUT WE WAS NOT IN THE RESTAURANT TOGETHER. ME AND THE LADY WAS AT ONE TABLE, AND HIM AND THE OTHER FELLOW WAS AT ANOTHER TABLE.

I RELAYED THIS INFORMATION AT THE TIME TO MURPHY BECAUSE THERE WAS A NEWSPAPER REPORTER IN THIS ESTABLISHMENT, AND --

JUDGE TJOFLAT: THE RESTAURANT?

THE WITNESS: YES, SIR. AND IT WAS A PROMINENT -- I WANT TO SAY IT WAS SHIRLEY POVICH, BUT I'M REALLY NOT SURE IT

WAS SHIRLEY POVICH, BUT IT WAS A KNOWN NEWSPAPER REPORTER, AND CAME OVER AND SPOKE. I MEAN, I COULD SEE HIM WALK OVER TO THE TABLE AND SPEAK TO THIS FRIEND OF MINE.

YOU KNOW HOW PEOPLE WILL STAND AROUND AND YOU THINK, YOU KNOW IN YOUR OWN MIND THEY ARE WAITING TO BE INTRODUCED OR "WHO'S THIS GUY," AND IT APPEARED THAT WAY TO ME, AND NOTHING WAS EVER DONE ABOUT IT --

JUDGE POINTER: WASN'T INTRODUCED?

THE WITNESS: NO. AND HE WALKED AWAY.

THEN AFTER THE DINNER WAS ALL OVER AND I PAID THE CHECK AT MY TABLE, THEY PAID THE CHECK AT THEIR TABLE. I MEAN, NOBODY DIDN'T PICK UP MY CHECK OR I DIDN'T PICK UP THEIRS. AND WE LEFT.

THE NEWSPAPER REPORTER CAME OVER AGAIN AND TALKED TO MY FRIEND, AND THAT WAS THE END OF IT, BUT I THOUGHT THAT THAT WOULD BE A MEANS FOR THE F.B.I. TO ESTABLISH AN IDENTITY. HENCE, MY REASON FOR TELLING MURPHY ABOUT IT.

I DON'T KNOW WHATEVER CAME OF THAT.

I ATTEMPTED TO GIVE THE GOVERNMENT WHATEVER INFORMATION THAT I COULD BUT ALSO WITH SOMETHING ALONG WITH IT THAT COULD SUBSTANTIATE IT.

MR. DOAR: I THINK, YOUR HONOR, THAT IT WOULD BE USEFUL TO ME IF WE STOPPED AT THIS TIME, AND I COULD COMPLETE MY EXAMINATION IN THE MORNING.

JUDGE GODBOLD: ALL RIGHT, SIR.

MR. DOAR: AND I WOULD TRY TO GET IT ORGANIZED SO THAT WE MOVE ON PROMPTLY.

JUDGE GODBOLD: ALL RIGHT, SIR.

WE REMIND YOU, MR. DREDGE, YOU ARE STILL UNDER SUBPOENA. WE WILL FINISH FAIRLY PROMPTLY IN THE MORNING.

THE WITNESS: OKAY.

ONLY BECAUSE I HAVE PRESSING MATTERS, AND I SAY PRESSING, NOT NEARLY AS PRESSING AS YOURS, I'M SURE, BUT IF YOU WILL BEAR WITH ME. I HAVE LITTLE MARES, AND THEY ARE FOALING, AND I WOULD LIKE TO BE ABLE TO GET BACK TO THEM AS QUICKLY AS POSSIBLE.

JUDGE GODBOLD: WE ARE GOING TO FINISH PROMPTLY IN THE MORNING.

START AT 9:00 O'CLOCK. THE COMMITTEE IS IN RECESS UNTIL 9:00 O'CLOCK TOMORROW MORNING.

(THEREUPON, THE PROCEEDINGS WERE ADJOURNED AT 5:10 O'CLOCK P.M., TO RECONVENE AS DIRECTED.)

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C E R T I F I C A T E

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

I, LINDA FINCANNON, OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, DO HEREBY CERTIFY THAT THE FOREGOING 174 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPT OF PROCEEDINGS HAD BEFORE THE SAID COMMITTEE IN THE CITY OF ATLANTA, FULTON COUNTY, GEORGIA, IN THE MATTER THEREIN STATED.

IN TESTIMONY WHEREOF I HEREUNTO SET MY HAND THIS THE 27TH DAY OF MAY, 1985.

LINDA E. FINCANNON,
OFFICIAL COURT REPORTER

RESPONDENT'S EXHIBIT #3

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

IN THE MATTER OF:

COMPLAINTS FILED AGAINST
UNITED STATES DISTRICT JUDGE
ALCEE L. HASTINGS

VOLUME IV

TRANSCRIPT OF PROCEEDINGS BEFORE THE INVESTIGATING COMMITTEE IN ATLANTA, FULTON COUNTY, GEORGIA, ON THURSDAY, MAY 23, 1985, IN THE ABOVE-STYLED MATTER.

MEMBERS OF THE COMMITTEE:

THE HONORABLE JOHN C. GODBOLD, PRESIDING
THE HONORABLE GERALD B. TJOFLAT
THE HONORABLE FRANK M. JOHNSON, JR.
THE HONORABLE SAM C. POINTER, JR.
THE HONORABLE WILLIAM C. O'KELLEY

APPEARANCES OF COUNSEL:

REPRESENTING THE COMMITTEE: JOHN DOAR, ESQ.
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1949 U. S. DISTRICT COURTHOUSE
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IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

IN THE MATTER OF:

COMPLAINTS FILED AGAINST
UNITED STATES DISTRICT JUDGE
ALCEE L. HASTINGS

VOLUME IV

TRANSCRIPT OF PROCEEDINGS BEFORE THE INVESTIGATING COMMITTEE IN ATLANTA, FULTON COUNTY, GEORGIA, ON THURSDAY, MAY 23, 1985, IN THE ABOVE-STYLED MATTER.

MEMBERS OF THE COMMITTEE:

THE HONORABLE JOHN C. GODBOLD, PRESIDING
THE HONORABLE GERALD B. TJOFLAT
THE HONORABLE FRANK M. JOHNSON, JR.
THE HONORABLE SAM C. POINTER, JR.
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VOLUME IV - WITNESS DREDGE

(THEREUPON, THE COMMITTEE WAS IN RECESS, REMAINING IN THE COMMITTEE ROOM.)

- - -

THE CLERK: YOU ARE STILL UNDER OATH, MR. DREDGE. YOU MAY BE SEATED.

JUDGE GODBOLD: ARE YOU READY TO PROCEED, MR. DOAR?

MR. DOAR: YES. I'M READY, YOUR HONOR.

JUDGE GODBOLD: ON THE RECORD, HAVE YOU REMINDED MR. DREDGE THAT HE IS STILL UNDER OATH?

THE WITNESS: YES, YOU DID.

JUDGE GODBOLD: ALL RIGHT, SIR. THANK YOU.

- - -

WILLIAM DREDGE,

RECALLED AS A WITNESS, BEING PREVIOUSLY SWORN, TESTIFIED FURTHER AS FOLLOWS:

FURTHER DIRECT EXAMINATION

BY MR. DOAR:

Q. MR. DREDGE, THE COMMITTEE HAS JUST FINISHED HEARING FROM SPECIAL AGENT MURPHY WITH RESPECT TO CERTAIN TELEXES OF THE BUREAU THAT WE TALKED ABOUT BRIEFLY YESTERDAY, AND MR. MURPHY TESTIFIED WITH RESPECT TO EACH OF THESE TELEXES HE PREPARED THEM, AND IN EACH OF THEM HIS INITIALS APPEAR AT THE BOTTOM LEFT-HAND CORNER OF THE TELEX.

I WOULD LIKE TO JUST ASK YOU ABOUT SEVERAL THINGS IN THIS TELEX COMMENCING FIRST WITH THE AUGUST 19TH TELEX WHICH

REPORTS THAT ON AUGUST 18TH YOU ADVISED MR. MURPHY THAT HE RECEIVED A TELEPHONE CALL FROM BORDERS IN WHICH BORDERS --

JUDGE GODBOLD: NO. THAT "YOU RECEIVED A TELEPHONE CALL."

JUDGE TJOFLAT: THAT "YOU" RECEIVED IT.

MR. DOAR: YES. EXCUSE ME.

BY MR. DOAR:

Q. MR. DREDGE ADVISED THAT MR. DREDGE "RECEIVED A TELEPHONE CALL FROM BORDERS IN WHICH BORDERS ADVISED THAT HE WOULD BE COMING TO THE MIAMI AREA IN THE NEXT DAY OR SO."

"DREDGE STATED THAT THE PURPOSE OF THIS VISIT WAS TO IRON OUT THE DETAILS OF THE DEAL BETWEEN TRAFFICANTE AND THE JUDGE.

"DREDGE STATED HE WAS NOT TOLD THE DATE OR FLIGHT INFORMATION RAY BORDERS' TRAVEL."

NOW, DID YOU TELL MR. MURPHY THAT ON AUGUST 18TH?

A. I DON'T KNOW THAT I DID, BUT IF -- I DON'T KNOW. I DON'T REMEMBER TELLING HIM. THAT ISN'T TO SAY THAT I DIDN'T TELL HIM. I DON'T REMEMBER THE TELLING.

IF I SAID THAT I RECEIVED A TELEPHONE CALL FROM BORDERS, MY AGREEMENT WAS TO TELL THE GOVERNMENT WHATEVER TRANSPIRED, AND JUST BECAUSE I DON'T REMEMBER IT I'M NOT SAYING IT DIDN'T HAPPEN.

IF MURPHY SAYS THAT IT HAPPENED AND THAT I TOLD HIM THAT, THEN IT DID HAPPEN, BUT I DON'T REMEMBER IT AT THIS DAY

IN TIME FROM MY OWN MEMORY.

JUDGE JOHNSON: MR. DREDGE, PURSUANT TO YOUR AGREEMENT WITH THE GOVERNMENT, WERE YOU TELLING AGENT MURPHY EVERYTHING YOU KNEW ABOUT THIS BORDERS-HASTINGS THING ALONG AS IT HAPPENED?

THE WITNESS: YES, SIR.

WHENEVER I RECEIVED ANY PHONE CALLS OR BECAUSE OF BORDERS CALLING ME AND ASKING ME TO RETURN ONE BACK, EVEN THOUGH I WENT OUT TO USE A PAY PHONE AS OPPOSED TO USING MY HOUSE, BECAUSE BORDERS WOULD ASK ME TO GO OUTSIDE TO CALL HIM AND WOULD NORMALLY GIVE ME ANOTHER OUTSIDE NUMBER, I CONVEYED IT TO MURPHY.

JUDGE JOHNSON: ALL RIGHT. AND THAT ALSO INCLUDED THE INFORMATION YOU RECEIVED CONCERNING BORDERS-TRAFFICANTE TRANSACTIONS?

THE WITNESS: OR WHATEVER I MAY HAVE THOUGHT ABOUT THE BORDERS AND THE TRAFFICANTE THING FOR WHATEVER REASONS.

JUDGE JOHNSON: ALL RIGHT.

MR. DOAR: I WILL SAY THAT MR. BORDERS' OFFICE TELEPHONE LOGS REFLECT THAT HE PLACED A TELEPHONE CALL TO YOU ON AUGUST 16TH, A ONE MINUTE CALL OR LESS, FROM 387-1100 IN WASHINGTON TO 945-9939 IN MIAMI.

THE WITNESS: WILL YOU REPEAT? WHAT DATE WAS THAT, MR. DOAR?

MR. DOAR: THE 16TH.

THE WITNESS: WELL, THAT'S NOT REFLECTED HERE.

BY MR. DOAR:

Q. THIS IS REFLECTED THAT ON AUGUST 18TH YOU ADVISED MR. MURPHY.

A. OKAY. I SEE.

Q. SO THERE IS A TELEPHONE CALL THAT'S CLOSE TO AUGUST 18TH.

A. OKAY. FINE.

Q. THAT'S REFLECTED IN THE RECORD.

NOW, THE NEXT --

A. LET ME SAY IN THAT, AND THAT PROBABLY IS TRUE BECAUSE I WAS NOT ON A DAY TO DAY COMMITMENT WITH MURPHY TO CALL HIM ON THAT SPECIFIC DAY OR WITHIN MINUTES, BECAUSE APPARENTLY HE WAS DOING OTHER THINGS I IMAGINE, BUT IT PROBABLY, THAT IS PROBABLY THE PHONE CALL THAT I HAD MADE REFERENCE TO.

JUDGE JOHNSON: ALL RIGHT.

BY MR. DOAR:

Q. NOW, THAT'S THE FIRST DOCUMENT.

THIS IS ANOTHER TELEX THAT MR. MURPHY STATED THAT HE DICTATED ON AUGUST 26TH AND THAT --

JUDGE TJOFLAT: WHAT NUMBER IS THAT, MR. DOAR?

MR. DOAR: THIS IS 347.

BY MR. DOAR:

Q. AND THIS TELEX CONTAINS INFORMATION THAT HE RECEIVED FROM YOU ON AUGUST 26TH, AND THE TELEX STATES THAT ON AUGUST

26TH CONTACT WAS MADE WITH WILLIAM DREDGE AT WHICH TIME HE RELATED THE FOLLOWING INFORMATION: "ONE, WILLIAM BORDERS TELEPHONICALLY CONTACTED HIM FROM WASHINGTON AND ADVISED THAT HE NEEDED TO TALK TO DREDGE. DREDGE ADVISED BORDERS THAT HE, DREDGE, WOULD BE IN WASHINGTON ON AUGUST 27TH TO 29TH, 1981."

DO YOU REMEMBER GIVING MR. MURPHY THAT INFORMATION?

A. NO, SIR, I DON'T.

Q. THE RECORDS INDICATE THAT ON AUGUST 23RD MR. BORDERS CALLED YOU FROM A TELEPHONE NUMBER 202-398-6321 TO YOUR NUMBER, 305-945-9939, AND THE TELEPHONE BILL OF MR. BORDERS INDICATES THAT THAT WAS A SIX MINUTE CONVERSATION.

DO YOU HAVE ANY RECOLLECTION NOW OF THAT CONVERSATION?

A. NO, SIR, I DON'T.

Q. OKAY.

A. I WOULD LIKE TO POINT OUT BACK TO THIS LAST TELEX THAT YOU HAD THERE, YOU SAID IT WAS A ONE MINUTE CONVERSATION ACCORDING TO THE RECORDS.

IN THAT ONE MINUTE, I BELIEVE THAT BORDERS GAVE ME A TELEPHONE NUMBER OUTSIDE OF HIS OFFICE AND FOR ME TO GO OUTSIDE TO CALL HIM AT ANOTHER NUMBER WHICH HE DID FREQUENTLY, SO, I MEAN, WHAT I'M SAYING IS THERE -- IN THAT MINUTE THAT HE CALLED ME, THERE WASN'T A LOT HE COULD HAVE SAID TO ME, BUT HE WANTED ME TO CALL HIM BACK BECAUSE HE OBVIOUSLY HAD SOMETHING TO SAY.

IF I TOLD IT TO MURPHY, AND IT WAS THERE, THAT'S WHAT

IT WAS.

Q. OKAY.

JUDGE GODBOLD: ON THIS TELEX WE ARE LOOKING AT NOW, IC-347, YOU HAVE READ MR. DREDGE PARAGRAPH ONE AND HE SAYS HE DOESN'T RECALL THE OCCURRENCE, BUT AS I UNDERSTAND HIS PRIOR TESTIMONY, THIS IS THE AGENT'S MEMO, I MEAN MURPHY'S MEMO, AND MURPHY HAS TESTIFIED TO IT AND, AS I UNDERSTAND IT, IF MURPHY WROTE IT DOWN THAT WAY, THAT IS THE WAY IT WAS.

THE WITNESS: I BELIEVE IT TO BE THAT WAY, YES, SIR.

JUDGE GODBOLD: THANK YOU.

BY MR. DOAR:

Q. I'M SHOWING YOU ANOTHER TELEX WHICH IS DATED SEPTEMBER 2ND, 1981 WHICH AGENT MURPHY'S JUST FINISHED TESTIFYING THAT HE PREPARED AND WHICH CONTAINS INFORMATION WHICH HE RECEIVED FROM YOU.

YESTERDAY YOU DIDN'T SAY -- YOU INDICATED YOU DIDN'T KNOW THE NAME UP AT THE TOP OF THE TELEX, AND WE WANTED TO VERIFY THAT --

A. RIGHT. I WOULD LIKE TO POINT OUT WHEN I SAID TO YOU YESTERDAY THAT I DON'T KNOW THE NAME OR NEVER HEARD OF THE PERSON, I WAS TALKING ABOUT THE NAME THAT I NOTICE AT THE TOP, SEAN HILLEY, WHO I DON'T KNOW.

I DID NOT KNOW THAT YOU WERE SHOWING ME THINGS FROM MURPHY. I WAS UNDER THE IMPRESSION -- AND THE PARTY THAT'S HERE, I DON'T KNOW ANYTHING ABOUT.

JUDGE TJOFLAT: THIS IS EXHIBIT 348?

MR. DOAR: THIS IS EXHIBIT 348.

THE WITNESS: THAT ALSO APPLIES TO 346 AND 347 AS WELL, BECAUSE THE SAME NAME APPEARED ON THE TOP.

JUDGE POINTER: THAT IS WHO THE TELEX WAS BEING GIVEN TO.

THE WITNESS: I DIDN'T UNDERSTAND THAT. I THOUGHT IT WAS PEOPLE THAT I WAS SUPPOSED TO HAVE HAD CONVERSATION WITH.

BY MR. DOAR:

Q. NOW, THE FIRST INDICATES THAT CONTACT WAS MADE WITH YOURSELF ON AUGUST 31ST AND THAT AT THAT TIME YOU ADVISED MR. MURPHY THAT YOU MET WITH WILLIAM DREDGE IN WASHINGTON --

A. NO. I MET WITH WILLIAM BORDERS.

Q. EXCUSE ME. YOU MET WITH WILLIAM BORDERS IN WASHINGTON DURING AUGUST 27TH AND 29TH.

DO YOU REMEMBER GIVING MR. MURPHY THAT INFORMATION?

A. YES, I DO.

Q. AND COULD YOU TELL THE COMMITTEE WHAT YOU REMEMBER OF WHAT TRANSPIRED DURING THAT MEETING OF AUGUST 27TH THROUGH 29TH?

A. WELL, I DON'T KNOW SPECIFICALLY WHAT DAY IT DID OCCUR, AND THE REASON THAT I REMEMBER THIS ONE AS OPPOSED TO REMEMBERING ANYTHING IN THESE OTHER DOCUMENTS WAS BECAUSE AT SOMEWHERE, SOMEHOW OR SOME WAY, I OVERHEARD A CONVERSATION THAT A PERSON WAS THERE.

I BELIEVE THE NAME TO BE GONZALEZ WHICH WAS A FICTITIOUS NAME, BUT I BELIEVE THAT WAS THE NAME THAT I HEARD. I CAN'T SWEAR TO IT, BUT THAT'S WHAT I THINK THE NAME WAS, AND I SAID IT THEN, THAT'S WHAT I THOUGHT THE NAME WAS, AND THAT HE WAS THERE TO DELIVER A SUM OF MONEY OR HAD DELIVERED A SUM OF MONEY FOR THE, WHO I THOUGHT WAS THE TRAFFICANTE CASE.

I REMEMBER BECAUSE I WAS ASKED, "IS THIS GONZALEZ THE HENRY GONZALEZ FROM TAMPA WHO WAS AN ATTORNEY," AND I SAID NO, THAT IT WASN'T HENRY GONZALEZ, AN ATTORNEY.

I THINK IT WAS A PERSON FROM THAT AREA, NOTHING TO DO WITH THE ATTORNEY.

I KNOW HENRY GONZALEZ, AND I KNEW THAT THAT PERSON WAS NOT HENRY GONZALEZ, SO I WANTED TO MAKE THE DISTINCTION THAT IT WAS NOT THIS ATTORNEY.

JUDGE TJOFLAT: WHO WAS THE CONVERSATION BETWEEN?

THE WITNESS: I DON'T KNOW. I DON'T KNOW, JUDGE TJOFLAT. I DON'T RECALL OR REMEMBER.

JUDGE TJOFLAT: DO YOU REMEMBER WHERE IT WAS?

THE WITNESS: YES. I WAS IN WASHINGTON, D.C.

JUDGE TJOFLAT: DO YOU REMEMBER WHERE IN WASHINGTON?

THE WITNESS: I BELIEVE I WAS AT BORDERS' OFFICE.

JUDGE TJOFLAT: SO IT WAS BETWEEN GONZALEZ AND SOMEBODY IN BORDERS' OFFICE?

THE WITNESS: OR WHO I TOOK THE NAME TO BE GONZALEZ.

JUDGE GODBOLD: NO. THAT PERSON.

THE WITNESS: YES, SIR.

JUDGE AJOFLAN: AND MR. BORDERS?

THE WITNESS: YES, SIR.

JUDGE JOHNSON: IS THAT THE SAME PLACE YOU LEARNED THAT, IF YOU DID LEARN, THAT THE PRICE HAD BEEN NEGOTIATED DOWN FROM A MILLION TO 600,000?

THE WITNESS: I DON'T KNOW IF IT WAS AT THAT PARTICULAR TIME AND PLACE OR NOT, YOUR HONOR. BUT THAT -- WHENEVER I HEARD IT, AND I'M NOT SURE THAT I HEARD IT ALL AT THE SAME DAY OR AT THE SAME TIME OR THE SAME PLACE, THAT IS MY BEST RECOLLECTION.

JUDGE JOHNSON: YOU RECALL HEARING THAT THAT OCCURRED AND ADVISING AGENT MURPHY TO THAT EFFECT?

THE WITNESS: YES, SIR.

JUDGE JOHNSON: ALL RIGHT.

THE WITNESS: AND THE MAN, WHOMEVER HE MAY HAVE BEEN, WAS THERE.

JUDGE GODBOLD: BY THE MAN, DO YOU MEAN THE MAN NAMED GONZALEZ?

THE WITNESS: THAT I THINK WAS USING THAT NAME.

JUDGE GODBOLD: OKAY.

THE WITNESS: WHICH I DON'T KNOW THAT THAT WAS HIS NAME AND IT PROBABLY WASN'T HIS NAME, BUT HE WAS UNKNOWN TO ME, BUT IT WAS NOT -- AND AGAIN, I REITERATE, BECAUSE THEY

ASKED ABOUT HENRY GONZALEZ THE ATTORNEY, THAT IT WAS NOT HENRY GONZALEZ THE ATTORNEY.

BY MR. DOAR:

Q. NOW, DID YOU ALSO ADVISE MR. MURPHY THAT BORDERS WANTS TO DEAL WITH THE ROMANO BROTHERS AS SOON AS IT IS POSSIBLE? HE SAID THAT THE PRICE FOR THEIR DEAL, REDUCTION OF THEIR SENTENCES, WAS $150,000? HE SAID THAT BORDERS WOULD NOT DEAL WITH A ROMANO REPRESENTATIVE, ONLY ONE OR BOTH OF THEM?

DO YOU REMEMBER TELLING MR. MURPHY THAT?

A. NO, I DON'T REMEMBER TELLING HIM THAT. AGAIN, IF IT'S HERE AND MURPHY SAID THAT I SAID IT AND THAT'S WHAT I TOLD HIM, THEN I FEEL SAFE THAT'S WHAT I DID SAY.

Q. DO YOU REMEMBER TALKING WITH MR. BORDERS ABOUT THE FACT THAT MR. BORDERS WOULD ONLY DEAL WITH ONE OF THE ROMANOS AND NOT WITH ANYONE ELSE?

A. YES, I DO, AND I DON'T KNOW IF IT WAS IN THAT SAME TIME FRAME.

I THINK I SAID TO YOU YESTERDAY THAT IT WAS BECAUSE OF THINGS THAT I HAD SAID TO BORDERS AS REGARDING THE ROMANOS THAT THEY HAD ALREADY HAD A CONNECTION. THEY DID NOT NEED ME NOR DID THEY NEED BORDERS, BECAUSE THEY ALREADY HAD ONE.

BORDERS WAS A LITTLE BENT OUT OF SHAPE BECAUSE HE KNEW OBVIOUSLY IN HIS OWN MIND THAT HE WAS THE MAN FOR THE JUDGE AND THAT THERE COULD NOT HAVE BEEN ANOTHER ONE UNLESS THE JUDGE WAS DEALING AROUND HIM.

SO HE CAME -- AND I'M NOT SURE THAT IT WAS AT THIS POINT IN TIME OR HAD IT BEEN EARLIER IN TIME THAT, WELL, "LET'S LET THEM HAVE A MEET; TELL THEM TO HAVE THE JUDGE GO SOME PLACE FOR THEIR MAN AND THEN I WILL TELL MY GUY TO HAVE HIM GO SOMEWHERE AND LET'S SEE WHO" -- I MEAN, THE PROOF OF IT IS TWO JUDGES CAN'T SHOW UP IN TWO PLACES OBVIOUSLY.

IT MAY BE THAT IT WAS AT THIS POINT IN TIME THAT BORDERS -- BECAUSE I WAS NOT GOING TO BE A BAG MAN OR THE RECIPIENT OF MONIES AND CARRYING IT BACK AND FORTH. THAT WAS NEVER PART OF ANYTHING. AND I TOLD BORDERS THAT I WOULD NEVER DO IT, AND I SAID, "BUT YOU CAN MAKE SOMEBODY -- YOU CAN MEET WITH ONE OF THEIR EMISSARIES."

BORDERS SAID THAT HE WOULD ONLY MEET WITH THE PRINCIPALS, ONE OR BOTH, AND IF IT WAS IN THAT TIME FRAME OR EARLIER ON, I REALLY DON'T REMEMBER.

Q. DO YOU RECALL YESTERDAY WE ESTABLISHED THAT THE DATE THAT YOU INTRODUCED THE UNDERCOVER AGENT TO MR. BORDERS AT THE INTERNATIONAL AIRPORT IN MIAMI WAS ON THE MORNING OF SATURDAY, EXCEPT 12TH?

A. YES, SIR.

Q. AND THAT THERE IS A PHONE CALL FROM YOU TO MR. BORDERS' OFFICE IN WHICH WE HAVE ESTABLISHED THROUGH THE COMMITTEE'S INVESTIGATION WAS THE PHONE CALL IN WHICH YOU ADVISED MR. BORDERS THAT THE ROMANOS WERE READY TO DEAL?

A. YES, SIR.

Q. AND THAT'S 1:29 ON THE 10TH, AND ACCORDING TO THE RECORDS ON THE 9TH OF SEPTEMBER, MR. BORDERS' OFFICE LOGS INDICATE THAT YOU CALLED HIS OFFICE AT 9:50 IN THE MORNING AND THEN FOLLOWING THAT YOU CALLED HIS OFFICE OR YOU DID TALK TO THE OFFICE AT 9:53 FOR ONE MINUTE TO MR. BORDERS' OFFICE, SO THERE WAS A NOTE OF A CALL AND IN FACT --

A. ANOTHER CALL.

Q. NO, NOT ANOTHER CALL. MR. BORDERS' LOGS INDICATE THAT YOU ARE CALLING AND YOUR TELEPHONE BILL INDICATES THAT YOU MADE THE CALL AT ABOUT 9:50 --

A. OKAY, ALL RIGHT.

Q. -- ON THE 9TH.

AND THEN FOLLOWING THAT, MR. BORDERS CALLED YOU TWICE ON THE 9TH FOR ONE MINUTE CONVERSATIONS.

THEN ON THE NEXT MORNING, HE CALLED YOU OR IN THE NEXT DAY HE CALLED YOU AGAIN.

A. WHAT DAY WAS THAT?

Q. THE 10TH.

SO THAT ON THE 9TH AND 10TH BEFORE -- THE 9TH AND 10TH, I DON'T KNOW WHETHER THE 10TH CALL WAS AFTER OR BEFORE YOUR CALL, BUT THERE WERE THREE CALLS FROM MR. BORDERS TO YOU.

I THINK YOU HAVE TESTIFIED THAT AFTER YOU CALLED MR. BORDERS HE CALLED YOU BACK ON THE 10TH ABOUT THE MEETING, SCHEDULED MEETING. IS THAT RIGHT?

A. I BELIEVE SO.
Q. DO YOU REMEMBER ANYTHING ABOUT THOSE OTHER CALLS?
A. LET ME SEE A CALENDAR FOR A MOMENT, IF YOU WILL.
Q. OKAY.
A. FOR THAT TIME. SEPTEMBER 10TH, WE ARE TALKING ABOUT?
Q. SEPTEMBER 9TH AND 10TH.
A. NINTH AND 10TH.
WHEN DID WE ESTABLISH WAS THE DATE -- SEPTEMBER 12TH IS WHEN THE TWO WERE INTRODUCED TOGETHER. IS THAT CORRECT?
Q. RIGHT.
A. THEN THESE CALLS UNDOUBTEDLY WAS TO SET UP THE MECHANISM OF HOW THEY WOULD MEET.
Q. OKAY.
DO YOU REMEMBER ANYTHING FURTHER ABOUT IT THAN THAT?
A. WELL, THE ONLY THING THAT I REMEMBER THAT'S LUCID IS THAT ON THE MORNING OF SEPTEMBER 12TH WHEN THE MEETING WAS SUPPOSED TO BE, BORDERS WAS SUPPOSED TO MEET WITH ME IN FRONT OF THE LOUNGE AT THE AIRPORT.
HE NEVER SHOWED. HE WAS NOT THERE. SOME TIME ELAPSED.
I IN TURN CALLED MY HOUSE TO SEE IF BORDERS HAD -- I THOUGHT PERHAPS HE DIDN'T EVEN CATCH A PLANE, DIDN'T GET THERE, AND I CALLED MY HOUSE.
MY WIFE TOLD ME THAT BORDERS HAD CALLED, AND I'M NOT SURE THAT HE LEFT A NUMBER OR WHETHER HE SAID SPECIFICALLY

THAT HE WAS AT THE HOTEL AT THE AIRPORT. I DON'T REMEMBER HOW IT WENT ABOUT.

BUT I SUBSEQUENTLY CALLED BORDERS, I BELIEVE, IN THE HOTEL AT THE AIRPORT.

BUT ANYWAY, WE EVENTUALLY DID GET TOGETHER IN THE AIRPORT.

BUT THERE IS ANOTHER PHONE CALL, AND THE RECORDS SHOULD REFLECT THERE WAS A PHONE CALL IF MY PHONE WAS TAPPED, AND I DON'T KNOW WHETHER IT WAS OR NOT, BUT IF IT WAS, THERE SHOULD REFLECT A PHONE CALL ON THE 12TH OF SEPTEMBER OF BORDERS CALLING MY HOUSE THAT MORNING AND THEN ME CALLING MY HOUSE.

Q. WELL, YOUR PHONE WAS NOT, THERE WAS NO TAP OR ANYTHING LIKE THAT ON YOUR PHONE, AND SINCE IT WAS A LOCAL CALL THERE WOULD BE NO RECORD OF IT IN YOUR PHONE BILLS.

A. OKAY.

Q. NOW --

A. BUT I RECALLED SOMETIME LAST EVENING THAT THAT'S HOW WE EVENTUALLY GOT TOGETHER THAT SATURDAY MORNING.

Q. NOW, LET ME ASK YOU ONE FURTHER QUESTION, MR. DREDGE.

ARE YOU CLEAR IN YOUR MIND THAT MR. BORDERS APPROACHED YOU FOR THE FIRST TIME WITH RESPECT TO YOU APPROACHING THE ROMANOS PRIOR TO THE DATE OR PRIOR TO THE TIME THAT YOU LEARNED THAT JUDGE HASTINGS HAD POSTPONED THE SENTENCING OF THE ROMANOS?

A. LET'S RUN BY THAT ONE MORE TIME.

Q. ARE YOU CLEAR IN YOUR MIND THAT MR. BORDERS APPROACHED YOU ABOUT YOU APPROACHING THE ROMANOS PRIOR TO THE TIME THAT YOU LEARNED THAT JUDGE HASTINGS HAD POSTPONED THE SENTENCING DATE?

A. OH, ABSOLUTELY. NO QUESTION ABOUT IT.

Q. THERE'S NO DOUBT IN YOUR MIND ABOUT IT?

A. ABSOLUTELY NOT.

MR. DOAR: NOW, THERE'S ONLY ONE FURTHER THING I WANT TO CALL TO THE COMMITTEE'S ATTENTION, AND I WANT TO JUST CALL IT BECAUSE I DON'T HAVE ANY FURTHER QUESTIONS.

I NOTICED LAST NIGHT THAT WITH RESPECT TO THE RECORDED CONVERSATION ON THE 12TH THAT THE INTRODUCTION BY MR. BORDERS TO -- BY MR. DREDGE OF MR. BORDERS AND THE UNDERCOVER AGENT IS ON THAT RECORDING.

WE INTENDED TO BRING THAT OUT LATER WITH ANOTHER WITNESS BECAUSE MR. DREDGE LEFT ALMOST IMMEDIATELY, BUT HIS VOICE IS RECORDED ON THAT CONVERSATION.

THE WITNESS: YES, IT IS, AND IT'S NOT SUPPOSED TO BE, NOR WAS IT EVER SUPPOSED TO BE THERE, AND THE ASSURANCE FROM THE GOVERNMENT WAS THAT THAT WOULD BE ERASED.

MR. DOAR: WELL, I DON'T KNOW ANYTHING ABOUT THAT, BUT I JUST SAY --

JUDGE GODBOLD: IT IS A VERY BRIEF SENTENCE OR TWO.

THE WITNESS: YES, SIR, IT IS. I HEARD IT. I HAVE

HEARD IT. THEY LET ME LISTEN TO IT SHORTLY AFTER IT HAPPENED AND TOLD ME THAT IT WOULD BE EXPUNGED.

MR. DOAR: THAT'S ALL THE QUESTIONS I HAVE.

JUDGE GODBOLD: I CAN'T LAY MY HANDS ON IT AT THE MOMENT, MR. DOAR, BUT IT MAY TAKE A LITTLE REFRESHING TO BRING IT BACK TO ALL OF US, BUT AROUND OCTOBER 6TH OR 7TH I SEEM TO RECALL A TELEPHONE CALL, AND PERHAPS IT'S A CALL, MR. DREDGE, IN WHICH YOU SAID -- WELL, I DON'T KNOW WHAT CALL IT WAS. I SEEM TO RECALL A NOTATION OF A TELEPHONE CONVERSATION IN WHICH BORDERS CALLED YOU AND TALKED TO YOU AND ASKED IF YOU WOULD BRING A PACKAGE TO WASHINGTON AND THAT YOU DECLINED.

DOES THIS RING A BELL WITH YOU?

THE WITNESS: YES, IT DOES.

JUDGE GODBOLD: DO YOU HAVE ANY RECOLLECTION OF WHEN THAT WAS?

THE WITNESS: NO, JUDGE, I DON'T.

I DO KNOW THAT HE WANTED ME TO BRING A PACKAGE, AND I ASSUMED THE PACKAGE TO BE PART OF A PAYOFF, PART OF THE MONEY, AND I POSITIVELY DECLINED. I WANTED NO PART OF IT.

JUDGE GODBOLD: ALL RIGHT, SIR. THANK YOU.

JUDGE JOHNSON: I HAVE ONE OR TWO QUESTIONS, IF I MAY.

IF YOU WILL, MR. DOAR, SHOW MR. DREDGE AGENT MURPHY'S RECORDING OF HIS CONVERSATION WITH MR. DREDGE ON JULY 27 OF '81.

MR. DOAR: JULY 27?

JUDGE JOHNSON: JULY 23. THAT'S YOUR EXHIBIT NUMBER 343.

PAGE THREE PARTICULARLY OF THAT AT THE TOP OF THAT, PAGE THREE, MR. DREDGE, YOU TOLD US EARLIER THAT YOU DID ADVISE AGENT MURPHY AS TO A MEETING IN WASHINGTON ON OR ABOUT JULY 18, 1981. IS THAT CORRECT?

THE WITNESS: IF I ADVISED MURPHY THAT IT HAPPENED AND MURPHY SAYS THAT IT HAPPENED, THEN IT HAPPENED.

JUDGE JOHNSON: THAT HAS BEEN IDENTIFIED AS WHAT AGENT MURPHY SAYS IS A TRUE TRANSCRIPTION OF MATTERS THAT YOU REPORTED TO HIM ON THE DATE THAT --

THE WITNESS: YES, SIR. I UNDERSTAND THAT AND, AGAIN, I CAN'T GO FROM MEMORY, YOUR HONOR.

JUDGE JOHNSON: I UNDERSTAND.

THE WITNESS: BUT I DO TRUST WHAT MURPHY HAS WRITTEN, AND I BELIEVE IT HAPPENED.

JUDGE JOHNSON: WITHOUT REGARD TO THE DATE, DO YOU RECALL LEARNING THAT THERE WAS A MEETING BETWEEN JUDGE HASTINGS AND BORDERS RELATIVE TO THE BRIBE IN WASHINGTON?

THE WITNESS: YES, SIR.

JUDGE JOHNSON: ALL RIGHT. AND YOU REPORTED THAT INFORMATION TO AGENT MURPHY?

THE WITNESS: YES, SIR.

JUDGE JOHNSON: NOW, WHERE DID YOU LEARN AND HOW DID

YOU LEARN OF THAT MEETING BETWEEN JUDGE HASTINGS AND BORDERS IN WASHINGTON?

THE WITNESS: I UNDOUBTEDLY LEARNED IT FROM BORDERS.

JUDGE JOHNSON: ALL RIGHT.

THE WITNESS: IT WAS NOT FROM FIRSTHAND KNOWLEDGE OF ME SEEING THE TWO TOGETHER. ALTHOUGH I WOULD LIKE TO SAY, AND AGAIN BECAUSE I DON'T REMEMBER THE TIME FRAME, I WAS IN BORDERS' OFFICE AT A SPECIFIC TIME OR PERHAPS EVEN TWICE --

JUDGE JOHNSON: WHEN HASTINGS WAS THERE?

THE WITNESS: YES, SIR.

JUDGE JOHNSON: AND THIS MAY HAVE BEEN ONE OF THE TIMES?

THE WITNESS: YES, SIR.

JUDGE JOHNSON: AND THIS JULY 18 MEETING TO WHICH AGENT MURPHY REFERS MAY HAVE BEEN ONE OF THE TIMES THAT YOU SAW HASTINGS IN BORDERS' OFFICE?

THE WITNESS: YES, SIR.

JUDGE JOHNSON: ALL RIGHT.

THOSE ARE THE ONLY QUESTIONS I HAVE.

JUDGE GODBOLD: ANY FURTHER QUESTIONS BY MEMBERS OF THE COMMITTEE?

MR. DOAR?

MR. DOAR: NOTHING FURTHER.

JUDGE GODBOLD: ARE WE READY TO EXCUSE MR. DREDGE?

MR. DOAR: YES, WE ARE.

JUDGE GODBOLD: ALL RIGHT, SIR.

JUDGE POINTER: IS THERE ANY FURTHER INFORMATION YOU HAVE THAT YOU HAVE NOT DISCLOSED TO US THAT WOULD AFFECT THE QUESTION OF WHETHER JUDGE HASTINGS WAS ACTUALLY INVOLVED IN THIS BRIBERY ATTEMPT WHETHER WITH RESPECT TO TRAFFICANTE OR ROMANO OR WHOEVER, ANYTHING THAT BEARS ONE WAY OR THE OTHER THAT YOU CAN THINK OF?

THE WITNESS: JUDGE POINTER, I CAN ONLY SAY TO YOU THAT IN MY OWN MIND AND FROM THINGS THAT I HAVE LEARNED, HEARD, WERE TOLD OR OVERHEARD, I BELIEVE --

JUDGE JOHNSON: OR SAW.

THE WITNESS: OR SAW. I BELIEVE THAT JUDGE HASTINGS WAS IN A CONSPIRACY WITH BILL BORDERS TO PERFORM THESE DEEDS.

JUDGE POINTER: I APPRECIATE THAT RESPONSE, AND I HAVE UNDERSTOOD THAT AS AN OPINION YOU HAVE FORMED ON A VARIETY --

THE WITNESS: ONLY BECAUSE OF THINGS -- BORDERS COULD NOT HAVE DONE OR CAUSED THE THINGS TO BE DONE WITHOUT THE OKAY --

JUDGE POINTER: THE LAST QUESTION I'M TRYING TO GET AT IS ANY OTHER DETAIL THAT YOU CAN THINK OF THAT EITHER SUPPORTS YOU IN THAT CONCLUSION OR WOULD PERHAPS RAISE A QUESTION ABOUT IT. IS THERE ANYTHING ELSE YOU CAN THINK OF THAT YOU HAVEN'T TOLD US?

THE WITNESS: NO, SIR, I CAN'T.

JUDGE GODBOLD: ANYTHING ELSE?

ALL RIGHT. MR. DREDGE, YOU ARE EXCUSED.

THE WITNESS: I WOULD LIKE TO ASK THIS BODY IF I UNDERSTOOD YOUR DIRECTIONS TO ME YESTERDAY AS REGARDING THE SECRECY OF THIS MATTER. I UNDERSTOOD YOU TO TELL ME THAT HASTINGS AND/OR HIS ATTORNEY WAS ASKED TO BE HERE IF THEY WANTED TO AND OBVIOUSLY THEY ARE NOT HERE SO THEY CHOSE NOT TO BE HERE.

WILL THEY OR ANYONE FOR THAT MATTER BE GIVEN COPIES OF MY TESTIMONY HERE?

I'M NOT CONCERNED ABOUT ANYBODY ELSE'S TESTIMONY. I'M ONLY CONCERNED ABOUT MINE.

I THINK WHAT I'M ASKING IS BORDERS AND/OR -- NOT BORDERS SO MUCH BECAUSE I DOUBT IF HE HAS ANY BEARING HERE. IS HASTINGS GOING TO BE GIVEN A COPY AT ANY POINT IN TIME FOR ANY REASONS?

JUDGE GODBOLD: LET ME TELL YOU WHAT THE LAW PROVIDES. AS I READ TO YOU YESTERDAY, THE LAW PROVIDES THAT THESE PROCEEDINGS ARE CONFIDENTIAL AND MAY NOT BE REVEALED.

WE HAVE TO FILE A REPORT WITH THE JUDICIAL COUNCIL OF THE CIRCUIT. THE PROCEEDINGS BEFORE THE JUDICIAL COUNCIL WILL BE CONFIDENTIAL.

NOW, THAT'S AS GOOD AN ANSWER AS I CAN GIVE YOU TO YOUR QUESTION.

THE WITNESS: WELL, THEN --

JUDGE GODBOLD: NOTHING BUT FEDERAL JUDGES ON THE

COUNCIL.

THE WITNESS: LET HELP REPHRASE IT THEN.

CAN HASTINGS AT SOME POINT IN TIME SUBPOENA YOU PEOPLE AND THE RECORDS?

JUDGE GODBOLD: IF SUBPOENAED, OUR RESPONSE WOULD BE THAT THE PROCEEDINGS BEFORE US ARE CONFIDENTIAL, WERE AND ARE CONFIDENTIAL AS PROVIDED BY LAW.

JUDGE TJOFLAT: EVERY JUDGE ON THIS PANEL WOULD TAKE THE SAME POSITION.

JUDGE GODBOLD: EVERY JUDGE ON THE JUDICIAL COUNCIL WOULD TAKE THE SAME POSITION.

THE WITNESS: OKAY. I APPRECIATE IT. THANK YOU.

JUDGE TJOFLAT: OKAY.

JUDGE GODBOLD: YOU ARE EXCUSED, MR. DREDGE. YOU ARE FREE TO GO.

THE WITNESS: THANK YOU.

LET ME SAY I WISH YOU NOTHING BUT THE BEST SUCCESS, BELIEVE ME.

JUDGE O'KELLEY: DO YOU WANT TO HAVE MR. MURPHY ESCORT HIM BACK OUT SO HE DOESN'T GO THROUGH THE LOBBY?

MR. DOAR: ALL RIGHT.

JUDGE GODBOLD: WE WILL TAKE A FIVE MINUTE RECESS, MR. DOAR.

(THEREUPON, THE PROCEEDINGS WERE RECESSED AT 11:30 O'CLOCK A.M., AND THEN RECONVENED AS

RESPONDENT'S EXHIBIT #4

TRANSCRIPT OF PROCEEDINGS

UNITED STATES SENATE

- - -

IMPEACHMENT TRIAL COMMITTEE

- - -

IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

PRE-TRIAL DEPOSITION OF WILLIAM C. DREDGE

- - -

C-L-O-S-E-D H-E-A-R-I-N-G

Washington, D.C.
June 21, 1989

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C O N T E N T S

WITNESS	EXAMINATION BY:
William C. Dredge	Counsel for Judge Hastings - 4
	Counsel for House Managers - 40, 152

IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

PRE-TRIAL DEPOSITION OF WILLIAM C. DREDGE

- - -

WEDNESDAY, JUNE 21, 1989

United States Senate,

Impeachment Trial Committee,

Washington, D.C.

The pre-trial deposition of WILLIAM C. DREDGE was convened at 8:37 a.m., in Room SH-219, Hart Senate Office Building, Hon. Arlen Specter, Vice Chairman of the Committee, presiding.

Present: Hon. Arlen Specter, Vice Chairman, Impeachment Trial Committee; Hon. John Bryant, and Hon. George W. Gekas, Managers, United States House of Representatives.

Counsel Present: Terence J. Anderson, Counsel for Judge Hastings; Alan I. Baron, Counsel for House Managers; and Roger C. Spaeder, Counsel for Deponent.

Staff Present: Michael Davidson, Senate Legal Counsel; Elaine W. Stone, Counsel, Senate Impeachment Trial Committee; Mark Klugheit, Counsel, Senate Impeachment Trial Committee; Bruce McBarnette, Counsel, Senate Impeachment Trial Committee; Anthony Harvey, Administrator, Senate Impeachment Trial Committee; Jeffrey Rackow, Legal Intern, Senate Impeachment Trial Committee; and Casey McGannon, Staff Assistant, Senate Impeachment Trial Committee.

Senator Specter. We will begin the proceedings. This pre-trial examination will now begin in the matter of the impeachment of Judge Alcee L. Hastings, and the requested witness this morning is Mr. William C. Dredge.

Mr. Dredge, if you will rise for the administration of the oath?

Whereupon,

WILLIAM C. DREDGE

was called as a witness and, having first been duly sworn, was examined and testified as follows:

Senator Specter. Mr. Spaeder, do you have a comment that you wish to make initially?

Mr. Spaeder. Very briefly, Senator, my name is Roger Spaeder, of Washington, D.C., appearing here today on behalf f the witness. In the spirit of cooperation, Mr. Dredge is appearing here at this pre-trial deposition in connection with the impeachment proceedings of Judge Hastings. We anticipate being served later today with a subpoena for this particular proceeding.

I merely want to make the procedural point that given the unique circumstances of this case, our agreement to appear today with the witness to give testimony should not be taken as agreement with the process which has been issued in this proceeding, which we understand to be rather unique.

I am doing this simply to avoid any later argument

of waiver in connection with the type of process being issued. The witness, however, is here to answer questions, and will do so.

Senator Specter. Mr. Anderson, you may proceed.

Mr. Anderson. Senator, if I might, if we could follow the procedure we did last time and ask for the record that the persons in the room identify themselves?

Senator Specter. Okay. Let us start here.

Mr. Baron. Alan Baron. I am here as counsel on behalf of the House Managers.

Mr. Gekas. George Gekas, member of the House of Representatives.

Mr. Bryant. John Bryant, member of the House of Representatives.

Mr. Smietanka. Ray Smietanka, counsel for the House Judiciary Committee.

Ms. Bass. Staff counsel for Senator Burns.

Mr. Lowe. Anthony Lowe, Senator Gorton's office.

Mr. Farrell. Jim Farrell, legal counsel for Senator Rudman.

Mr. Rackow. Jeffrey Rackow, legal intern for the Senate Impeachment Trial Committee.

Mr. McBarnette. Bruce McBarnette, counsel for the Impeachment Trial Committee.

Mr. Nakahata. John Nakahata, with Senator Lieber-

man.

Mr. Hoppner. William Hoppner, with Senator Robert Kerrey.

Judge Hastings. I am Alcee Hastings.

Mr. Anderson. Mr. Anderson. Terence Anderson, counsel for Judge Hastings.

Ms. Stone. Elaine Stone, counsel for the Impeachment Trial Committee.

Mr. Davidson. Michael Davidson, Senate legal counsel.

Mr. Harvey. Tony Harvey, administrator for the Impeachment Trial Committee.

Ms. Wynn. Patricia Wynn, assistant special counsel, House Impeachment Committee.

Mr. Levinson. Peter Levinson, minority counsel, House Judiciary Committee.

Mr. Lenitz. Chris Lenitz, with Senator Kit Bond.

Senator Specter. And the court reporter.

Now, you may proceed, Mr. Anderson.

Mr. Anderson. Thank you.

EXAMINATION BY COUNSEL FOR JUDGE HASTINGS

BY MR. ANDERSON:

Q Mr. Dredge, my name is Terence Anderson, as you know. Have we ever met before, sir?

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A No.

Q Have we ever spoken before?

A No.

Q And sitting to my right is Alcee L. Hastings. Have you ever met him before?

A I believe once.

Q And in the course of that time, did you talk with him?

A No, sir.

Q And have you ever spoken with him before today?

A No, sir.

Q Now, Mr. Dredge, you understand that this is a discovery pre-trial deposition?

A Yes, sir.

Q And you understand that you will be called as a witness to testify at the trial?

Mr. Spaeder. Let me state at this time, Mr. Anderson, through Senator Specter, that we have not been served with process yet in connection with the trial. Mr. Dredge has not agreed, at least to me, to appear at any trial. That is a matter that we will visit at the time that process is issued.

Mr. Anderson. Senator, I wonder if I might make a point here. I appreciate the fact that Mr. Dredge is here today. One of the requests which I'm happy to honor that Mr. Spaeder asked that I observe is to not question the present

locates or whereabouts of Mr. Dredge.

I would not at this time know where to ask the sergeant-at-arms to subpoena Mr. Dredge. My concern today is that we be able to proceed with this as a discovery deposition with some assurance that this witness will be produced, not without--he may file whatever motions he wants, but that we're not physically going to have a problem with the production of Mr. Dredge at the trial, and I'm seeking that assurance from him and his counsel now.

Mr. Spaeder. I, again, Senator, do not know Mr. Dredge's whereabouts and have no means by which to contact him. There is an individual in the federal government who can reach Mr. Dredge and who did so in connection with this proceeding, and that was done, I believe, through the offices of the House Managers.

And in the event that that situation obtains and process is properly served on Mr. Dredge through that mechanism, we'll then deal with the procedural issues created thereby.

Senator Specter. Mr. Spaeder, would you anticipate that there would be any more difficulty in securing Mr. Dredge's appearance for the impeachment hearing than there is for this pre-trial examination?

Mr. Spaeder. Mr. Dredge has expressed to me a strong desire not to appear and testify at the trial. He had

initially been under the impression that his appearance today, in an adversarial setting, would suffice to obviate the necessity of appearing at the trial.

We only learned within the last two or three days that there might be plans afoot to subpoena him at the trial itself and, quite frankly, we haven't resolved that in our own minds.

Senator Specter. Mr. Anderson, I don't believe there is anything more that we can do at this juncture. You have Mr. Dredge here for pre-hearing examination and we all know what the process is. We just heard the expression of his counsel.

It would be the Committee's hope that Mr. Dredge would appear, but the processes are those which we all understand, so we ought to proceed now.

Mr. Anderson. Senator, I agree and will proceed. I will make the request, however, that the Senate today issue a subpoena so that Mr. Dredge may be served, so that at least we will have covered that base for compelling his appearance at trial. This is a crucial matter, Senator.

Mr. Spaeder. I would object to that. I believe that the witness is appearing here--it is effectively a special appearance for the purpose of gaining his testimony under direct and cross-examination.

Senator Specter. Well, let us take that under

advisement. There is a considerable body of law on the subject, some of which goes to the effect that we can't issue a subpoena when somebody is in the jurisdiction of another purpose.

But let us proceed now. We have the point that you have made here, Mr. Anderson, and Mr. Spaeder has responded to you. The Committee will rule on your request at a later time.

Mr. Anderson. All right, Senator. I will proceed, but if we could revisit the issue, because it is going to affect the structure of my examination in terms of whether--I had planned this as a purely discovery deposition, and it will affect that, but let me proceed.

BY MR. ANDERSON

Q Mr. Dredge, to the best of your recollection, did you ever meet William Borders?

A Yes.

Q Do you recall when, sir?

A Probably some time in March.

Senator Specter. Would you speak into the microphone, Mr. Dredge?

THE WITNESS: Sorry.

Probably some time in March of 1981.

BY MR. ANDERSON:

Q When you say probably some time in March, sir, what

is the basis of your "probably?"

A After reading the testimony that was made here--not here, in Atlanta--and I had never had the benefit of reading it up until yesterday--and going over things in my mind, I best can set the time frame at some time in March.

Q And what testimony--when you said you read some testimony yesterday that you had not seen before, what testimony was that, sir?

A The testimony in front of whatever the tribunal was, or whatever it was called, in Atlanta--.

Mr. Spaeder. Eleventh Circuit.

The Witness. Eleventh Circuit, yes, Judge Shoflat, or whatever.

BY MR. ANDERSON:

Q If we might, I think it styled itself an investigating committee.

A Okay.

Q And did you read just your own testimony?

A Just this right here, nothing else.

Q Well--.

A Which is my own testimony.

Q Just your own testimony, and that was the testimony you gave on May 22nd, 1985?

A Yes, sir.

Q And the testimony you gave on May 23rd, 1985?

A Yes, the two days.

Q Two days. And do you recall that in that testimony, when you were asked on direct examination when you first met Mr. Borders, you testified some time between the date the indictment in the Baltimore case issued and the date of your arrest?

A I may well have, and I was in error.

Q Well, what is there--I'm truly trying to explore with you, Mr. Dredge, what is there in that testimony that enabled you to assess a new date for your first meeting?

A Well, in--if I could go here to the--it's all right if I go here, right?

Mr. Anderson. If we could have what the witness is looking at marked so we all know or are comfortable that we're doing it, I don't mind him refreshing his recollection on this point.

Mr. Spaeder. For the record, counsel, the witness is looking at his own testimony before the Eleventh Circuit investigating committee, and we'll identify the pages that he is focused on momentarily.

The Witness. I'm starting out on Volume 3, page 45, Witness Dredge. The direct examination is by Mr. Doar, and he asked, "In the spring of 1981, did you know a man named William Borders?" "Yes, sir." "And how long had you known him in that time?" "I honestly don't know, but not

overly long." "How would you describe the acquaintance?" "Well, he was an attorney, he was an attorney." "Did he have offices in Washington, D.C.?" "Yes, sir." "Had you had business relationships with him prior to April 1981?" My answer: "Well, I honestly don't know the time frame." "I see."

I'm only reading you this to bring you to where my mind is. It says, "How long had you known him in that time?" "I honestly don't know, I honestly don't know." Then I have written in here I met him some time in the first part of March, and I did not meet him as an attorney.

He was introduced to me at a friend of mine's house that he was at, and he may or may not have been introduced as an attorney, and that was in March of 1981. And I just wanted--and I had brought this to Mr. Baron's attention this morning because--and with my attorney, Roger Spaeder, because I--this was sworn testimony.

I did not have benefit of looking at any materials. I refused to look at any materials by anybody prior to that proceedings because I thought it best that I use what I could recall without any aid or assistance from anyone.

Obviously, I had no time frames to go by and these things were coming after a period of four years that I had no contact with anybody or with any information from anybody or any time frames to put anything in.

And since that committee meeting in Atlanta, I've obviously had time to think more about what transpired, and I just wanted the record to show that I did not meet him as an attorney because of any problems that I had or would have or could have. I met him solely as a person, not as an attorney, and I just wanted the record to clarify that it had nothing to do with any problems.

BY MR. ANDERSON:

Q Well, Mr. Dredge, let me--from what you've read, I'm not sure what it is that refreshed your recollection, but let me ask you, you say that at the time you appeared before the investigating committee you had refused to review any materials?

A Yes, sir.

Q And between--do you recall that October 9th, 1981, was the day on which Mr. Borders was arrested?

A Yes, I recall reading about it or seeing it on TV or whatever.

Q Between October 9th, 1981, and your appearance before the investigating committee on May 22nd, 1985, had you discussed this case with anyone?

A No, sir.

Q Had you discussed it with Agent Murphy, for example?

A I don't believe so.

Q Do you recall testifying in your appearance before the investigating committee that, in fact, you had met briefly before the meeting with Agent Murphy to refresh your recollection?

A I told that to the committee.

Q Yes, and you had talked with him before that, at least briefly?

A Yes, sir, and I told that to the committee. I told it to Murphy that I was going to tell the committee.

Q And since your appearance before the investigating committee, besides reviewing your transcript, have you reviewed any other records?

A No, sir.

Q And have you discussed this case since May 22nd, 1985, and today with anyone else?

A No, sir.

Q And have you discussed it today, for example, with Agent Murphy beforehand?

A No, sir.

Q Were you interviewed by any representative of the House during this period?

A Yes, sir.

Q Whom was that by?

A Wait, let's back up a minute. I met in New York with Agent Murphy and--well, let me go back a little further.

I met with Alan Baron in Baltimore. I don't know the date, and he wanted to talk to me and I refused and left his office in Baltimore.

I met again at a later date in New York City with Mr. Baron and Murphy, and there might have been two other--I believe there was two other agents there that was chaperoning Mr. Murphy to isolate him from Mr. Baron, apparently, or it might have been from me, for all I know.

But I met with them in New York City at a hotel and that was very briefly, and at that time, if memory serves me correctly, Mr. Baron wanted me to read documents and to read things and I refused then.

Q And do you recall the date of that meeting, sir?

A No, sir, I don't. I'm sure he has a record of it.

Mr. Baron. Mr. Anderson, I'll be glad--.

Senator Specter. After reflecting on the matter for just a moment or two here about the subpoena, it is my thought that in light of your request that the Committee ought to hand Mr. Dredge the piece of paper denominated "subpoena," but to reserve a decision as to whether that is compulsory process for him.

I think it is preferable not to decide the issue at this time, and it really is a Committee decision. Speaking personally, it would be my hope that Mr. Dredge would be available so that people could see him and evaluate his

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credibility.

But this is the first time you've raised the issue and I do not think it preferable for me to decide it before consulting with other members of the Committee. I don't know what differences there will be in the structuring of your examination, contrasting pre-hearing examination with hearing examination, but I wanted to give you that thinking on my part so that you can be guided accordingly as you commence your examination.

Mr. Anderson. I appreciate your ruling, Senator. We will view Mr. Dredge, just so the record is clear, as a crucial witness. As you know, Judge Hastings tried to get him at the 1983 trial, and the Committee is aware of the issue.

Senator Specter. Well, the issue on service of process under these circumstances is a complex one. Of course, the Senate is not bound--the Committee is not bound by the legal precedents in the case. But I recall an early case I argued as an assistant district attorney, going back to 1961, on service for somebody who had entered Pennsylvania for special purposes to appear at a trial and somebody served him with a civil lawsuit.

It raises a complex jurisdictional issue and it raises a question of fairness, and it's not something that I think ought to be decided summarily. But in order to protect

whatever rights you may have, we will make the subpoena available and we'll serve it on him, but we'll reserve a determination as to its compulsory effect.

Mr. Anderson. I understand, Senator.

Mr. Baron. Excuse me, Senator. There was some question about what days on which I had met with Mr. Dredge, and if it might be helpful to Mr. Anderson or to Mr. Dredge, I know those dates and I can give them to you, if you wish, at this point.

Mr. Anderson. Just so it's on the record, I would appreciate it.

Mr. Baron. I met with Mr. Dredge the first time on September 8th, 1987, in Baltimore and, as he indicated, he refused to be interviewed. I met with Mr. Dredge on December 22nd, 1988, in New York when, for some period of time, Mr. Dredge was willing to be interviewed, but he, as he indicated, refused to examine any documents or other materials in connection with the interview. And I have met with Mr. Dredge more recently on Monday of this week, whatever date that was. Was that the 19th?

The Witness. The 19th.

BY MR. ANDERSON:

Q Now, Mr. Dredge, starting with the meeting on September 8th, 1987, where you declined to be interviewed, how did you come to be aware that Mr. Baron wanted to see you?

A Through an agent.

Q And did you, in connection with that meeting, have any conversations with Agent William Murphy?

A No, sir, other than the fact that Mr. Baron wanted to talk to me, and I told him then that I saw no reason for me to talk with him, but as opposed to being subpoenaed that I would appear at a given place at a given time and speak with him, which I did.

Q Now, this refers to the September 8th, 1987, meeting?

A Whatever the date may be--I don't know--in Baltimore.

Q In Baltimore?

A Yes, sir.

Q And how long did that meeting last, sir?

A Very short.

Q When you say very short, sometimes for lawyers three days is very short.

A Right, right, I agree with you. No; probably a half hour, perhaps.

Q And in the course of that meeting, did you discuss anything of substance with him?

A No, sir.

Q Did he show you any documents at that meeting?

A No, I don't believe he showed me any documents. He

may have showed me a bundle of papers or a book or whatever. I don't know. I did not accept whatever they were and wouldn't look at them if he did, in fact, show it to me.

Q So you left that meeting without any copies of materials?

A Or any conversation of any substance. I left.

Q And you then again met with Mr. Baron at a hotel in New York on December 22nd?

A Yes, sir.

Q And was Mr. Murphy present during that meeting?

A Yes, sir.

Q Now, how long did that meeting last?

A Perhaps hour, hour-and-a-half, maybe even two hours. I'm really--it wasn't very long from my point of view.

Q And during the course of that meeting, did you respond to Mr. Baron's inquiries?

A Perhaps not to his liking. I responded to some and, again, I would not look at any materials if he had any there. I don't recall that he did. He may well have, but I did not respond to anything that he was happy with.

Q And do you recall the substance of what you responded to?

A Something to have to do with me appearing before the U.S. Senate or this body here, or whatever body. I don't know which body it was, and I did not want to then, did not

want to now, and do not want to in the future--.

Q And--.

A --notwithstanding the fact that I'm here.

Q I understand. Judge Hastings doesn't want to appear here either, did not in the past, and does not in the future, but he'll be here, too.

Now, Mr. Dredge, let me turn briefly--Mr. Baron indicated he met with you on Monday of this week.

A Yes, sir.

Q Is that the time on which you first received a copy of that transcript?

A Yes, sir.

Q Did you receive any other documents at that time, sir?

A I didn't receive any other documents. There was two or three other--there was two or three other--three, I believe, three volumes in a beige-colored cover, perhaps so big, that was there. And I read perhaps--I think it was a page-and-a-half--I believe I read a page-and-a-half in one book.

Q And was that a page-and-a-half to which Mr. Baron directed your attention in the course of his questions?

A No, sir; my attorney did.

Q And did that page-and-a-half relate to the time of your first meeting with Mr. Borders?

Mr. Spaeder. I'm going to object with respect to any consultation he had with me insofar as preparation for this session is concerned on the ground of attorney-client privilege.

Mr. Anderson. Mr. Chairman, if the direction took place in the presence of a third party, Mr. Baron, and if it refers to a document which is a published document, I am only interested not in what Mr. Spaeder said to Mr. Dredge, but in what document he reviewed and whether it had a bearing on the first date on which he met Mr. Borders.

The Witness. If you will, I would like to point out that Roger showed me this page he asked me to read and no one else was present except Roger Spaeder and I.

Mr. Baron. For the record, just so this is clear, I had supplied certain documents to Mr. Spaeder for his review and whatever he wanted to do with them. I was not present or privy to what use he made of those materials.

Senator Specter. What is your question, Mr. Anderson?

Mr. Anderson. My question is did the document that Mr. Dredge consult bear upon the date of his first meeting with Mr. Borders.

Senator Specter. Well, you may answer the question.

The Witness. I don't believe so.

BY MR. ANDERSON:

Q Now, Mr. Dredge, you say you met Mr. Borders, now, your best is recollection is, some time in March, is that correct, sir?

A Yes, sir.

Q And you met him at the home of a friend?

A Yes, sir.

Q And was that friend Joseph Nesline?

A Yes, sir, it was. I would like to say this, that I met Mr. Borders at Joe Nesline's apartment in Bethesda, Maryland. After the--there was another fellow there, another attorney, a Jim Shorter, and Joe and Shorter were playing cards when I came in. Borders was there. Of course, I didn't know he was Borders.

And Joe introduced me to--it was me and another fellow that went in and Joe introduced us to Borders, and also Shorter. I don't believe the other fellow knew Shorter. I did know Shorter, but it had been years since I had seen him.

And they went back to playing cards and the four of us, meaning the fellow that was with me, myself, and Borders--it was small talk, absolutely nothing to do about anything whatsoever. And that was where I met William Borders.

Q And who was the person who was with you, sir?

A I will not tell you. It has absolutely no bearing on anything at any time. He was never part and parcel to

anything or anyone. Him and I were there for another reason. It had nothing to do with meeting--it had nothing to do with meeting anyone other than Joe, and the three of us are friends, or were friends.

Mr. Anderson. Senator, if I might, I will represent there is flat, declarative testimony by Mr. Dredge in the investigating committee hearing fixing the date of his first meeting with Mr. Borders at some time between the date of his sealed indictment and the date of his arrest. His indictment was April 30th. The date of his arrest was May 10th.

To the extent there are persons who might corroborate or aid us in discovering what the date of that first meeting was, I think that is clearly relevant here for discovery purposes. I would ask that the witness be instructed to answer.

Mr. Baron. I would like to--.

Senator Specter. What date is the meeting that Mr. Dredge has described here today?

The Witness. With Borders?

Senator Specter. Yes.

The Witness. At Joe's place?

Senator Specter. Yes.

The Witness. Some time in March.

Mr. Baron. Senator Specter, I'd also like to state for the record that the characterization of Mr. Dredge's

testimony before the investigating committee by Mr. Anderson is incomplete.

At page 127, Mr. Dredge states, "Keep in mind that early April is when Borders first asked me did I know the Romanos. Had you ever heard of the Romanos? What can you tell me about the Romanos?" So the representation by Mr. Anderson is not accurate.

Mr. Anderson. I'll stand on my representation, but--.

Senator Specter. Mr. Spaeder, you wanted to make a point?

Mr. Spaeder. I do. I suspect it's a point that will come up again so it's useful to focus on it, Senator. In agreeing to come to this hearing and in conferences we had with Committee staff, including Congressman Bryant, we pointed out our view that the proceedings should be conducted pursuant to a definition of relevance which is narrow and which focuses on the articles of impeachment against which the judge is required to defend.

Mr. Dredge has refused to testify about certain matters in the past. I'm quite confident if they are explored here today, he's going to refuse to testify about them and we're going to find ourselves bogged down in a difficult proceeding.

I would hope that the Senator would perhaps reserve

on this issue until the examination of Mr. Anderson is elaborated. You can perhaps decide at that point whether it's really important, given the articles of impeachment against which the judge is defending, to seek an answer to this question.

My fear is that we are going to find ourselves hamstrung. We would like to finish the proceedings today, at least insofar as Mr. Anderson's examination of the witness is concerned. The witness is prepared to talk about Mr. Borders, Mr. Nesline, his relationship with the two of them, and what he knows about Judge Hastings, which we understand to be the issues pertinent to this investigation.

He is unwilling to talk about other persons or matters. He was given accommodation in that regard by the Eleventh Circuit, who accepted his ground rules and did not ask him about a number of individuals, including, I might add, did not require that he identify Mr. Nesline, and we believe that he is entitled to a similar accommodation in these proceedings.

I also, through the Senator, would urge counsel for Judge Hastings to take this deposition today as if it were a de bene esse deposition, and not merely to take it as if it were one on grounds of discovery, because we want the Judge to have as much evidence as Mr. Dredge can provide in a setting so that it could be used at the impeachment trial if

my argument is ultimately accepted, that process in the District of Columbia today is not valid.

Senator Specter. Mr. Anderson, what is the purpose of this question? What is the theory? Is it more a credibility issue here?

Mr. Anderson. Well, a potential corroboration issue, Senator, as my provisional and preliminary report indicates, fixing the baseline for transactions between Mr. Borders and Mr. Dredge, as a matter on which we need some clarification even to prepare for trial, as to what the evidence will be at trial.

We did read, and I understand Mr. Baron's reading of later portions, that Mr. Dredge was being led, but we did read his assertion as firm concerning that the first meeting fell sometime between April 29th or April 30th and May 10th. In terms of who else was present--

Senator Specter. So, your purpose in asking the identity of those others present would be to perhaps examine other witnesses to find out when this occurred?

Mr. Anderson. Or at least find out what is there.

If I could, Senator, make two responses to Mr. Spaeder: I do not propose to terminate or would not suggest terminating the deposition if the witness refused to answer this question, but in the absence of instantaneous transcript, it seems to me if you might rule and then the witness may

take a position and I will proceed, but then we will have recorded in the transcript what the position of the Committee was on the specific questions that weren't answered, so that they may be called up later, if need be. It may be that I won't want to pursue that at the end of the day. I don't know.

Mr. Spaeder. I would urge the Senator reserve ruling. Like most trial judges, it is sometimes difficult to see how a particular fact fits in the picture until all of the facts are in.

Mr. Baron. Senator, I might also make the observation that another person at that meeting has been identified, and that is Mr. Shorter, so we don't necessarily or are not limited to what Mr. Dredge has said and some unidentified person. There is another person who was there who has been identified and who is in the District of Columbia.

Senator Specter. Well, in the normal course of examination, that question should be answered. It is highly unlikely that there is going to be vast examination of all the witnesses and all the people who are present at all of these meetings, to run down the corroboration or checking on this to the nth degree.

But I think that the witness has made his position clear, that he is not going to answer the question. Is that his position, Mr. Spaeder?

INC

Mr. Spaeder. It is, Your Honor--it is, Senator.

Senator Specter. I think we ought to proceed, Mr. Anderson.

BY MR. ANDERSON:

Q Now, Mr. Dredge, treating that meeting in March as your first meeting with Mr. Borders, when was the next time you had any contact with Mr. Borders?

A At this initial meeting with Mr. Borders, there came a time in the apartment that Mr. Borders asked me, aren't you from South Florida, and I said yes. And he said do you happen to know some people by the name of Romano, and I said no.

Then, I don't know how much time passed--

Q Are you in the same meeting?

A The same meeting. Shortly thereafter, he said is it possible, could you inquire about the Romanos--

Q Yes, sir.

A --find out what kind of people they are, what they're all about. I said yes, that I would.

Q Now, who else was present, who was present physically who would have heard that conversation between you and Mr. Borders?

A Me and the other fellow, and I won't tell you who it was.

Mr. Anderson. Senator, I renew my--

The Witness. Now, let me tell you why, and perhaps this will help you. As a matter of fact, he asked both of us, not just me, and the other fellow deferred to me. He said, well, Bill, can you--he didn't know him, didn't know nothing about him, and he said this is more in line with people that you know, do you want to take care of it or would you take care of it, and I said that I would.

BY MR. ANDERSON:

Q So that I am clear on this, this conversation occurred between you, the other fellow and Mr. Borders in Mr. Nesline's apartment?

A The conversation that I am telling you about occurred in front of Borders, the other fellow and me at Nesline's apartment. Nesline and Shorter were playing cards.

Q So, it was the three of you who participated in that conversation?

A Yes.

Q And that was that first conversation?

A Yes, and the other fellow bowed out.

Mr. Anderson. Senator, I would renew my request, I will proceed, but just so the record is clear that when we get time for reserved rulings.

The Witness: Your Honor, or Mr. Spector, Judge, whatever, I would like to say this: In answering his questions, I am attempting to be truthful and will be to the

best of my ability. He may not be happy with my answers, but that's his problem, it's not mine.

The other fellow served absolutely no purpose any way, shape, form or fashion to do with anything. I could have lied to him just as easy and said there was no one there but Nesline, Shorter, me and Borders. I didn't. If there had been a maid there or four other guys, I would have said that, too.

Senator Specter. Mr. Dredge, I believe you had started to say why you didn't want to respond to the identity of this person in the normal course of the examination of this sort. Mr. Anderson is asking you a question which ought to be answered and it ought to be answered, because it goes to a significant fact as to your testimony on what Mr. Borders had stated about bringing up Mr. Romano, so that it is a fair question for Mr. Anderson to ask you. It is a significant issue.

Mr. Spaeder. Senator, I would like to confer with Mr. Dredge, perhaps, as the day progresses on this issue. Maybe we could return to it and reach an accommodation that satisfies the panel here.

Senator Specter. That will be fine, Mr. Spaeder, if you can do that, because it is my sense that it is an appropriate question. I don't know what Mr. Dredge's reasons are for not wanting to answer the question, and we all know

the limitations of the direction to answer and the reprisals which follow and, really, none of us wants to be involved in that. So, if it can be accommodated, it would be appreciated, so why don't we proceed, Mr. Anderson, holding that in abeyance until Mr. Spaeder confers later with his client.

BY MR. ANDERSON:

Q Mr. Dredge, to close up this first meeting, do you recall approximately, did you go to Mr. Nesline's apartment the evening or during the day?

A It was during the day.

Q And do you recall approximately what time of day?

A No, I really don't, probably it may have been around--I don't know, it could have been around noontime, and the reason I say that is we flew up from Florida, I would say probably--it was in the daytime, for sure.

Q And do you recall how long you were in Mr. Nesline's apartment with this group?

A I was there practically the entire day and evening. I don't believe that I spent the night there. I may well have.

Q And was Mr. Borders there throughout this period?

A No, sir, he was only there perhaps another hour or two hours, that is, while I was there. I don't know how long he had been there prior to me getting there.

Q So, again, so I understand you, Mr. Borders was

there when you arrived?

A I arrived, yes, sir.

Q How much longer after you arrived did Mr. Borders remain?

A Probably two or three hours, I would suppose.

Q And it was during the course of that period that you, the other person, and Mr. Borders had the discussion you described concerning the Romanos?

A The other fellow was there momentarily, and that's it.

Q Well, was he there throughout this period and just momentarily in that conversation, or--

A No, I believe that he left to go to his sister or sister's.

Q Again, I am just trying to get a fix. You say he left to go to his sister's. How long was he--he went to Mr. Nesline's apartment with you, is that correct?

A Yes, sir.

Q How long was the other person at Mr. Nesline's apartment?

A Maybe 15, 20 minutes.

Q So, this conversation with Mr. Borders occurred within 15 to 20 minutes of your arrival?

A Right.

Q And 15 to 20 minutes of the first time you had met

him?

A Met Borders, right.

Q Now, when was, today's recollection, the next time you communicated with Mr. Borders?

A Probably early April.

Q And do you know, would that communication have been while you were in the Washington area, or by telephone or how?

A I believe it was by phone.

Q And who called whom, if you know, sir, if you recall?

A I believe--I believe that Joe called me, that is, Nesline, and asked me if it was all right to give him my phone number, and I said yes.

Q And that call would be sometime in early April, is that correct?

A I believe so, yes.

Q And how long after that call, if you remember, was it that Mr. Borders called you?

A Not knowing what Joe did, I don't know, I don't remember. It wasn't too long, a day, two days.

Q And to the best of today's recollection, that call was initiated by Mr. Borders?

A Right.

Q And did he tell you where he was calling from?

A No.

Q Was it by Mr. Borders directly, or did his secretary initially get you?

A I don't know. Ofttimes, his secretary got me. I say ofttimes, probably 15 percent of the time when it was a call initiated from Borders, the sectary--the bulk of the time Borders called me himself.

Q And did he ordinarily call you from his office or his home?

A He would call me and give me a pay phone number and ask me to go call from a pay phone.

Q And did he do that frequently?

A Yes, quite a bit.

Q And if you recall, did he do that on this early April call?

A No.

Q So that was not a pay phone call, he just called you and chatted with you?

A And ask me if I--yes.

Q And what did he, what was the subject of that?

A If I had known about anything or knew anything or had been able to ascertain anything about the Romanos.

Q And what did you say to him, sir?

A I told him that I had.

Q And had you, in fact?

A Yes, I had.

Q And what did you tell him, Mr. Borders, that you had found out?

A That they were okay people, for whatever reasons he wanted to know. I had no idea. I said they were solid, stand-up people.

Q And what did you mean to communicate to him when you say they were "okay, stand-up people"?

A That you could believe what they told you, whatever you told them wouldn't go any further, or whatever you talked about, that they would--we're not talking about church-going folks here--

Q Yes, sir.

A --and that they were solid stand-up people.

Q I understand, but I'm not sure that those reading the transcript might. Solid stand-up people, by that, you mean that within--

A That they were connected people.

Q --the circle of underworld people, they had a reputation for--

A Being reliable.

Q --being reliable and for treating confidential information as confidential?

A Right.

Q And had you back at the March meeting understood that was what Mr. Borders was asking you to find out?

A No, sir. He just asked me to find out what kind of people they were.

Q And had he at that meeting identified them as people who had pending litigation?

A No, sir.

Q Had he identified them as having a case before any-

A No, he didn't identify them by anything, other than the fact they lived in South Florida, did I know of them, have I heard of them, did I know them, nothing to do with anything.

Q Had you heard of them?

A No, sir.

Q So, you simply went back down to South Florida trying to find out anything you could about Tom and Frank Romano?

A Yes. I did not--yes, I did.

Q Now, if I understand you, sir, we today have fixed your first meeting at Joe Nesline's apartment in March, and your next communication with Mr. Borders by telephone--and i want to be clear on your recollection today--that you think occurred in early April?

A Yes, sir.

Q What action had you taken between the meeting in March and the telephone call in early April to find out--

A Very little.

Q Well, specifically, to the best of your recollection?

A I may, if I had seen--if I was out having dinner--I didn't go out of my way to find out, let me say that. If I happened to see some people in my travels and I thought perhaps they were people that might know people, I would ask them. I asked two or three or four different people over a period of time, two or three weeks. I then, in turn, asked another fellow whom I had known for a number of years--if you want his name, I would give you his name.

Q That would be Willie Dara?

A His name is Willie Dara, and Willie Dara said, sure, I know the Romanos. I said, well, what do you know about them. He said they're good people, they're stand-up people, they're in action. And I met Willie Dara at Mike's Barbershop, if you want to know, on Hallendale Beach Boulevard, and that's where he told me that he knew the Romanos and that they were fine people and, as a matter of fact, they had a restaurant just up the road, and I reported back to Borders that they were fine people.

Q And just so I am clear, there is a reference that at some point Mr. Dara introduced you to a gentleman named Philip Moscatto. Do you recall that, sir?

A No, sir.

Q Did you ever--

A He introduced me to a fellow by the name of Brothers. I know no other name--or Brother.

Q And do you recall where that introduction took place?

A On Pembroke Road, in Broward County, Florida, in front of a paint and body shop.

Q Now, did your meeting with Brother occur before Mr. Borders called you in April?

A No, sir.

Q It occurred after it, then?

A Yes.

Q So, we will stay in chronological--based, then, upon your conversations with Mr. Dara and whomever, am I correct that in your next conversation, Mr. Borders inquired of you whether you found anything out about the Romanos, that was the purpose of him calling you?

A Right.

Q And you told him they were okay, stand-up, right folk?

A Right.

Q What else did Mr. Borders say to you in that conversation, sir?

A I think that was the end of it.

Q That was the end of that conversation. When is the

next time, to today's recollection, that you saw or met William Borders?

A I was back up in D.C., I believe, I believe I was back up in D.C., or he may have called me and asked me if I was coming back up to D.C. anytime soon. I'm really not sure. I had occasion to come up to D.C. quite frequently. I am born and raised in Washington, D.C., and come to D.C. a lot, for no reasons, and it may be that I was in D.C., and if I was in D.C.--it seems to me that either Joe called me or when I was back in D.C. at some point in time shortly thereafter, that Joe may have said to me, in person or could have said to me over the phone, Bill Borders wants you to get hold of him the next time you're in D.C.

Q So, let me--again, I understand you're testifying to the best of today's recollection, let me try and understand it myself. We have a first contact in March, the second contact probably by telephone in early April. At some point, Mr. Nesline or someone indicates to you that Borders would like to talk to you again, if I understood you correctly.

A Right.

Q And it is your best recollection today that your third contact with Mr. Dredge occurred while you were in D.C.?

Mr. Baron. Contact with Mr. Borders?

The Witness. Mr. Borders.

BY MR. ANDERSON:

Q Mr. Borders.

A It could have been or he could have called me, I am just really not sure.

Q Do you know how long after your second contact, that contact would have occurred?

A No, I don't know how long. It wasn't--I don't believe that it was too long. By that, I don't know, probably after the telephone conversation, it may have been a week or ten days.

Q A week or ten days, and today you cannot recall whether that was a telephone contact or a contact while you were in D.C.?

A No, I don't recall. I believe it was in person, though, and I believe it was in person because of our conversation.

Q This would still be during the month of April?

A Yes, sir.

Q And would you tell us to the best of your recollection, first of all, was anyone else privy to this conversation?

A No, sir. And to keep the record straight, no conversation that Borders and I ever had after the phone call to me about--when I told him that Dara said they were stand-up people, no conversation ever took place in anyone else's presence, including Nesline's, except me and Bill Borders, no

one else.

Q Now, at this third contact, what, if anything, did Mr. Borders say to you and what did you say to him, to the best of your recollection?

A It had to do with the Romanos. That is when I learned that they had a case in court and that if I could talk to the Romanos and put them together with Borders, could assist them in their plight.

Q And during the course of that conversation, did Mr. Borders tell you how he could assist them?

A I really don't believe so.

Q Did he tell you before whom their case was pending?

A No.

Q And did--

A I didn't know they had a case until he told me they had a case.

Q So, to the best of your recollection, it was at this third contact when Mr. Borders first told you the Romanos had a case?

A The third, it could have been the fourth, even. I'm really not sure.

Q And how long, if you recall, did this conversation take place?

A Not overly long, a matter of minutes.

Q And do you recall whether you discussed other

topics?

A No, I don't. Let me--I'm not sure, I'm not sure in my mind of the time frame. Borders had had an accident with his automobile and I went with him either to pick up his car, it had just been returned to him, or that could have been at a later--I'm really not sure, but I went with him when he picked up his car from an accident, it had been painted--and I'm not even sure what kind of car it was--and then I went with him in the course of the car, we might have been together an hour and a hour or two hours, and I went with him to a liquor store, I believe it was on Georgia Avenue, it could have been Northwest 7th Street, and this conversation may have taken place either while we were waiting for the car or walking up and down in the back alley of his office, where his office was, or out by the liquor store. I just don't recall.

Q And when you say this may have been the third or fourth contact--

A Yes, it could have been the fourth time, I'm not sure.

Q Again, I'm trying to fix at least the month, would this still have been in the month of April?

A We're in April. We're in April.

Q And do you recall, sir, what other matters you discussed in the hour or hour and a half you were with him?

A Yes, something that D.C. was going to get lotteries, the lottery was getting ready--I think it was in D.C., it might have been Maryland--they were going to get a lottery and he thought perhaps that he would like to get a store or be involved in the lottery business, because it had to be in a store, and maybe that's why we went by the liquor store. I don't remember, but it had to do--I mean that was a legitimate business he was looking to get into or did get into, I just don't know, but that also came up in the course of the conversation.

I mean we didn't' ride around talking about the Romanos or walked around talking about the Romanos and stayed with the Romanos. Obviously, you know, is it going to rain or--

Q So, to the best of your recollection, during the course of that period, the only conversation concerning the Romanos was his telling you they had a case and that he thought--

A That he could help them.

Q --that he could help them--

A Could help them.

Q --could help them, he asked you to transmit that information?

A Right.

Q Now, between the second and third or fourth meeting between your second conversation with Mr. Borders and the

time when he made these disclosures to you, during that period, had you approached the person known as Brother?

A It was after he told me that he thought that he could help them with their problem, is when I went and talked with--to make a meet with Willie Dara--

Q All right.

A --because I didn't know anything about where to get hold of Brother, and Willie Dara made a meet for me at this restaurant on Hallendale Beach Boulevard, which was called, I believe, the Sea Breeze or the Sea Inn, I'm not sure which, but it's right, it backs up to Hialeah or Gulf Stream Racetrack, and it seems that the Romanos were out of town--oh, I will back up a moment.

The reason that we was going to meet with Brother was because the Romanos was out of town and that this Brother was taking care of their business and could get a message to them, and he had me meeting with Brother and he and Brother didn't show up. He called me--he didn't call me, he called Dara, and Dara told me that Brother apologize, he couldn't get there for whatever reasons, but that he would talk to me tomorrow, if it was possible for me to meet him at the paint and body shop at Pembroke Road and that he would be in a four-door brown Lincoln, what would I be driving, and I told him what I would be driving, and that is how we hooked up at the paint and body shop.

I told Brother that I had a friend of mine, that I was an emissary for an attorney in Washington, D.C. and that the Romanos had a case and that this fellow from D.C. thought that he could help them, help the Romanos with their case, and if the Romanos wanted to talk to him, to get back to me and he could get back to me through Willie Dara. To the best of my knowledge, I never seen Brother again.

Q Now, you say that this approach through Mr. Dara to Brother occurred after your third or fourth conversation with Mr. Borders, but, in any event, after the conversation where Borders told you that the Romanos had a case and asked if you could communicate to them that he might be able to assist them?

A Right.

Q Do you recall how long after that meeting this contact with Brother would have occurred?

A Probably within days. I don't know how long I was in D.C., probably two or three or four days, and I got back is when I conveyed it to Brother that this attorney--and I don't believe I ever told him his name--could assist the Romanos in their case if they wanted to talk to him.

Q And am I correct in my understanding that when you spoke with Brother, you didn't know what kind of case the Romanos had?

A No, sir, I didn't.

Q And you did not know what court or before what judge it was pending?

A No, sir, I didn't.

Q When, sir, was the next time you had contact with Mr. Borders?

A Maybe--I don't know, I have no way of knowing.

Q Well, let me back up just a moment. Thus far, on each occasion, from the first meeting on, you have indicated that your contact with Borders was initiated by Mr. Borders, is that--are we still in that pattern?

A Probably, yes, sir.

Q So, you met him in Mr. Nesline's apartment, if I recall--

A I only met him at Nesline's apartment once.

Q I understand that. Now, I am just--but Mr. Nesline then called and asked you to give Mr. Borders your number, Mr. Borders called you, you then met probably at Mr. Nesline's suggestion, you met Mr. Borders in Washington. That's how far we are now.

A I'm not sure that it was--no, it was not at Mr. Nesline's suggestion.

Q Well, how did you know to get together with Mr. Borders in Washington?

A I don't know whether you're trying to confuse me--

Q I'm not, sir.

Q --in not understanding what I'm saying. Nesline called me and asked me if it was okay to give Bill Borders my phone number. I said yes. He obviously did, because Borders called me. Nesline is no longer in the picture any way at all. We never met again with Nesline, it was only Borders and me, either on the phone, no three-way conversations or in person, Borders and me.

Q That may be a tough way to put it, but I am a bit confusing, but I don't mean to be on this point. I'm trying to get, in connection with your meetings with Mr. Borders in Washington, how did you come to know that Mr. Borders wanted to talk to you, or did you just go to his office? What happened?

A I will back up again. Nesline called me and asked me if it was okay to give Borders my phone number. I said yes. He obviously gave Borders my phone number, Borders called me.

Q And in the course of that call, I believe you testified that was your second contact with Mr. Borders, and you gave him the report that the Romanos were stand-up people.

A And I would like to talk to you, and when I went up to D.C.--

Senator Specter. Mr. Anderson, is it necessary--I do not wish to interfere with your examination and I understand some of the purpose of your repeating it, but it seems

to me it has just been candidly excessive. Now, you have the question of confusion and I know you are trying to establish what pattern they have gone into to get their contacts, but it just seems to me that you might do it a little more directly, because we are getting repetition and we're getting a question of confusion and we have gone over the same ground quite a bit.

Mr. Anderson. Senator, I may have to come back to this, because I want to fix it against telephone records and other things so that I can figure it out, but--

Senator Specter. I do not wish to unduly limit you. You know your case and the Committee wants to give you great latitude, but I have expressed myself.

Mr. Anderson. I appreciate that. Let me go forward.

BY MR. ANDERSON:

Q You met with Mr. Borders, you think, the day you went around the car. Do you have any way you can fix your next point of communication with him?

A No, sir, I don't.

Q You do recall that a sealed indictment was filed against you in Baltimore?

A Are you still in April?

Q I'm trying to find out where we still are in terms of these meetings, yes.

A Well, if you're talking about when I was arrested, that was in May.

Q No, I'm talking about the indictment first, which I believe was issued on April 30th. Your arrest, I believe, was on May 10th.

A Well, you have the advantage over me, I don't know when the indictment was handed down. I have no idea. I know when I was arrested. The indictment could have been handed down that day or three weeks before, I don't know. I only know when I got arrested.

Q And when did you get arrested, sir?

A May 10th, on a Sunday.

Q On a Sunday. Do you recall what time of day that was?

A I believe in the evening.

Q In the?

A Evening.

Q Evening. Now, taking May 10th as the day you do recall, had you had any communication with Mr. Borders between what we have identified as your third or fourth conversation and the day of your arrest?

A A lot.

Q A lot. When did that--I'm trying to construct it--

A I don't know, Mr. Anderson. I think that we had had several conversations prior to my being arrested. I

would like to say this to you, that prior to me being arrested, I had been told that there was the possibility that I would be arrested for a case in Baltimore, Maryland. I also was told that whatever they wanted to arrest me for had been taken to a grand jury previously and the grand jury refused to indict me. This is what I have been told. Do I know it to be a fact? No, but that is what I was told, so I knew or I at least suspected the possibility of me being arrested prior to the day that I was arrested--

Q And how long--

A --not from an indictment, because I was not aware of the indictment.

Q How long prior to that did you become aware of that, sir?

A I don't know. I don't know. Don't try to put time frames in my mind, because I don't know.

Q Well, I'm sorry but I've got to work with what you have. Did you know it at the time when you first met Mr. Borders--

A No, sir.

Q --at Nesline's apartment?

A No, sir.

Q Were you aware of it, if you recall, at the time that Mr. Borders called you, what we have identified as your second contact?>

A No, sir.

Q Were you aware of it at the time of your, what we have identified as your third contact with Mr.--

A Borders.

Q --Borders, where he told you that the Romanos had a case and he might be able to help them?

A I don't believe so.

Q And again, just to try and aid you, were you aware of it at the time when, through Willie Dara, you met with Brother?

A I don't believe so.

Q So, it would have been sometime after that that you would have received this information. Between that time and the date of your arrest, you indicated you had several contacts with Mr. Borders. I don't want to put anything in your mind, but that is what I thought I heard you say.

A Yes, sir.

Q What was the topic of those conversations?

A The Romanos.

Q It was the Romanos. Did you discuss at that time with Mr. Borders your concern that you might be arrested?

A I don't think I was aware of it. I just said that. Do you remember that?

Q Well--all right. Were you aware at this time that there was some possibility that you might be, that charges

might be filed against you?

A Now, where are you at?

Q I am at after your third meeting which you affixed after you had gone to see Brother, and there is some--

A I was not aware that I was going to be arrested or that I was the subject of an investigation and/or a grand jury hearing at that time, no, I wasn't.

Q How long after your meeting with Brother, if you can recall, was your next contact with Mr. Border?

A I don't recall.

Q Are we--

A We're still in April.

Q We're still in April. Was this by telephone or were you in D.C., or was he in Miami?

A I don't believe that he was in Miami. He could have been, I don't know. And I don't know how long it was after I met with Brother, because I never spoke with Brother again and I had never spoken to the Romanos at any point in time, but there came a time that Borders said to me that if I would convey back to the Romanos that he could help them out in their case for $100,000 or $150,000, whichever it may have been--

Q Now, when did that occur?

A That was prior to me being arrested.

Q Prior to you being arrested?

A Yes, sir.

Q But it was after you met with Brother?

A After I had met with Brother.

Q And do you recall whether that communication was given to you in person or by telephone?

A Probably in person.

Q And again, would it be your recollection in this that it would have been in D.C., or do you recall?

A No, sir, I don't recall. I believe it was while I was in D.C.

Q And what was your response to Mr. Borders on that occasion?

A Here is another guy with a pipe dream.

Q And what did you mean when you said "here is another guy with a pipe dream"?

A I have heard over the years, many years, from many wiseguys, many people, that they had judges that they could do tricks with. I had never seen any of it performing, never heard of any of them performing, and now here is a dude telling me that he's got a judge.

Q Now, that was your mental reaction with Mr. Border up there.

A Up here.

Q Now, did Mr. Borders on that occasion tell you what the case was against the Romanos and before whom?

A Before whom, yes, but what the case was, to this day I honestly don't know what the case was and I had no interest in their case. I don't know what it was about. I only know some of the things, that it was property involved, there was money involved. What the case was, what they was charged with, I don't know, I have never known.

Q And when did you learn that there was property involved?

A From Borders. I don't know when.

Q Now, notwithstanding your mental reaction that here is another guy with pipe dreams, what in fact did you say to Mr. Borders?

A Great.

Q What?

A It's great, glad to hear it, I'm sure that the Romanos will be glad to hear it.

Q And did Mr. Borders ask you to communicate his kind offer to the Romanos?

A Yes.

Q And what did you do then?

A Nothing.

Q Are we still in April?

A We might be in May by now.

Q All right. There is some indication in the record that on May 5th Mr. Borders flew to Miami, leaving your

telephone number with the airlines as a contact point. Does that--do you recall a visit by Mr. Borders to Miami prior to your arrest?

A Do I factually recall it?

Q Yes.

A No, I don't. Was he at my house? Yes.

Q Prio. to your arrest?

A I don't know. I don't remember.

Q After this meeting at which you thought Mr. Borders was having pipe dreams, however you characterize it, when is the next time you spoke with Mr. Borders?

A I probably went up to D.C. at some point in time prior to my arrest. I was told that I probably would be indicted or was going to be arrested. I don't know that I relayed that to Borders. I don't know. I don't know whether I did or not. But when I was arrested--do you want to continue on or do you want me to stop?

Q Well, if you have gone up to Mr. Borders, I want to get--I am not trying to confuse you, I want to--two topics, when you first discussed and retained Mr. Borders to assist you in the case against you and, secondly, trying to take out as carefully as we can chronically your communications concerning the Romanos.

Now, the trip prior to the time that you were arrested, do you know whether you and he discussed the Romanos?

A I'm sure we did.

Q And do you recall the substance of that conversation?

A No, sir.

Q Do you have any recollection at all, other than the fact that you probably discussed it?

A There was no other reason for us to meet.

Q All right. Do you recall whether by that time you had enlisted Mr. Borders' assistance in what you thought might be your forthcoming case?

A I don't recall exactly when I told Borders that I thought I was going to have a case in Baltimore. As a matter of fact, I didn't even know that I was going to have a case in Baltimore. I thought perhaps the case would be in Miami. I didn't realize that it was in Baltimore, and I believe that when I was arrested, it was on a Sunday, I asked--I had my wife call Borders and ask if he had an attorney in Miami. He--

Q Just so we are clear, this is your wife talking with Mr. Borders, not you? You asked your wife to call Mr. Borders?

A I'm reasonably sure, I don't think they would have allowed me a phone call. They may have allowed me one phone call. I don't know whether I used it or not. I probably did. I might have called my wife from the holding cell after

a period of time and asked her if she was--I told her that going out the door and she--I spoke to her on the phone and she said that she had called Borders--now, keep in mind, at this point in time I have Borders' girlfriend's number, I have his wife's number, I have his home phone number, and I have his office phone number. I don't know where my wife got Borders on the phone, at what number, and I have asked her back when I was going to Atlanta, if she recalled where she called, and she said she didn't recall, because I had these numbers and she got hold of Borders.

Borders told her that there was an attorney by the name of Jesse McCrary--I believe it's Jesse McCrary--and he is or had been a States Attorney or whatever, and that he would appear for me the next day, and I believe it was in the magistrate's name of Palermo, I believe it was Palermo, but I'm not sure. It would be Salerno or something like that.

The following morning, Monday, at the holding cell at this magistrates building or office complex or whatever, McCrary came down and introduced himself and said that he would appear for me for this hearing and that he would do what he could about having a reasonable bond and/or a personal recognizance for me, which he did. He appeared and I was given a bond and the bond was personal recognizance, with one proviso and that was that I surrender my passport to Jesse McCrary that day. So, when I was released, I left and

went home, got the key to the lockbox at the bank, went to the bank, got my passport, took it back down to McCrary and gave him my passport, and that was that.

[Witness conferring with counsel.]

My attorney advised me that I didn't complete the thing. I learned prior to my being arrested that the--

Mr. Spaeder. Let me just interrupt. I interpreted counsel's line of questioning to try to get an elaboration by the witness of all the contacts he had with Borders prior to May 10th, and he was taking your questions in very narrow fashion and, assuming you want to know more about the contacts with Borders prior to May 10th and what Borders represented to him, he is prepared to tell you, because there is more.

Mr. Anderson. I appreciate that.

BY MR. ANDERSON:

Q Let's use May 10th as a benchmark.

A And go backwards.

Q And go backwards for a moment.

A And I can't tell you what specific time or dates--he told me that the Romanos were going to appear--let me hold that for a moment. He believes, Borders believes that I am now talking to the Romanos--I'm not, but he believes that I am. I told him that I was talking with the Romanos and that they didn't believe that Borders could do anything with--

Senator Specter. That is just a buzzer that starts the Senate session. You may proceed.

The Witness. --that the Romanos are not responding to what he wants to do for them, that he has Judge Hastings ready and willing and able to do certain things for them for a fee.

BY MR. ANDERSON:

Q As best we can, I want to fix these events in time. Now, we had--

Senator Specter. Let me interrupt you for just a moment. We have been at it for about an hour and a half, let's take a break.

Mr. Anderson. 15 minutes?

Senator Specter. Fine.

[Brief recess.]

Senator Specter. We will proceed.

Mr. Anderson. Mr. Chairman, I would like to address the Chair outside the presence of the witness.

Senator Specter. You are excused for a moment or two.

Mr. Spaeder. I would note my objection, Senator. I think that counsel at least ought to be entitled to remain during the colloquy, but I will obviously abide the Chair's decision.

Senator Specter. Well, if you object, let us

consider it.

Does it relate to the witness? I understand that it does.

Mr. Anderson. It will relate to relationship between the deposition and the trial, Senator, but it relates principally here to the trial. It does relate to the two, and it certainly relates to the witness.

Senator Specter. I have been advised by counsel that you had raised the matter. Is there any reason why we can't take that up at the conclusion?

Mr. Anderson. Yes, there is.

Senator Specter. Why is that?

Mr. Anderson. Well, could you rule on whether they will be in or out of the room, and then I will take it up and then you will know?

Senator Specter. Well, what is the reason that you have for excluding counsel?

Mr. Anderson. Senator, I will do it in the presence of the witness and counsel, if you so rule.

Senator Specter. Well, I don't see any reason that you have advanced why they can't be here. I really want to get on with it.

Mr. Anderson. Senator, I need at this point to know whether William Dredge will be at trial. I do not wish to set Judge Hastings up. What is happening here is we are

getting a revisionist version of a new--and I make no accusation as to who--well-coached the statement of Mr. Dredge's testimony, which conflicts dramatically with what he did in my view at the investigating committee. This witness has been coached, he was just recently interrupted to fix a critical conversation prior to May 10th, which on the record before us was not so clear. Everything is coming out.

I am not interested in taking a deposition to make a record such that the House will later, if Mr. Dredge is not available at trial, say, oh, we have an unavailable witness, we have prior testimony, under oath, at which counsel for Judge Hastings had every opportunity and incentive to examine, let's admit it, it's substantive evidence.

I want the opportunity to--I am comfortable going forward as I am now, as long as it produces two transcripts and my opportunity to test this witness' credibility before the full Committee while we are on television, while the rest of the Senate can see that. I don't wish to st up a prior statement that could be admitted as an exception to the hearsay rule if Mr. Dredge is not available, and I am unwilling to proceed at this point unless I can get some assurance that Mr. Dredge will be present at trial, and I would represent, Senator Specter, that we are going to push for everything we can.

mc

Mr. Dredge has conveniently been brought forward or

been made available to the investigating committee, Mr. Baron had at least some opportunity, although I gather not as long a one as you would have liked, to interview him. He is produced everywhere except at Alcee Hastings' trials. We want now some assurance that he would be produced at Alcee Hastings' trial in the Senate, and I don't want to make a deposition if the only function of that deposition is to clean up the House's case for it and to create a circumstance where prior testimony might be admitted.

Senator Specter. Well, Mr. Anderson, I do not know how anybody can give you those assurances. I don't know what the basis for your contention that the witness is coached. If you are referring to an event which occurred right before the break, where in my presence and the presence of everyone here, his counsel conferred with him and, as is not unusual, reminded him of some things that he hadn't said in a responsive way. Is that what you are referring to?

Mr. Anderson. I make no aspersion on Mr. Spaeder's intervention at that point. It simply is there is a scenario today which is much firmer in this witness' recollection than it was on a prior occasion.

Senator Specter. Well, you will have an opportunity to develop that. If you are speaking solely about--if you are excluding the comment that Mr. Spaeder's consultation that Mr. Spaeder had with Mr. Dredge, fine, but it didn't

seem to me that that was out of line. It happens all the time, that a witness is testifying and the lawyer recollects something that the witness has omitted and he reminds him of it and they put it on the record.

Mr. Anderson. Again, I am not challenging Mr. Spaeder. It does not ordinarily happen in the trial that I have been at, but, Senator--

Senator Specter. It happens all the time on redirect, that sort of thing just goes on.

Mr. Anderson, I do not think it advisable for me to bind the Committee today on the validity of the subpoena. After you made the comment you did, I have asked counsel to prepare subpoenas and we have them here, so that the subpoena will be handed to Mr. Dredge for the hearing. You know well that Mr. Dredge might not appear even if he is validly under subpoena. He might choose to ignore a subpoena, or something might happen to Mr. Dredge between now and then. When you are taking a deposition, you are creating a record that poses some risk to you.

Mr. Anderson. Given the Chair's--and I understand it--inability to give us that assurance, I will announce no further questions and ask that the subpoena be served.

Mr. Davidson. They are getting an attested copy upstairs. It will down in a second.

Senator Specter. Do you intend not to proceed with

the pretrial examination, Mr. Anderson?

Mr. Anderson. If the House proceeds, I will reserve the right to ask, but I will not ask further questions under these conditions, yes, that is correct.

Senator Specter. Mr. Baron, you may examine at this point, if you choose.

Mr. Baron. Yes, I do.

Senator Specter. Proceed

EXAMINATION BY COUNSEL FOR HOUSE MANAGERS

BY MR. BARON:

Q Mr. Dredge, if I understood your testimony earlier, you testified that, to the best of your recollection, you first met Mr. Borders sometime in March of 1981, is that correct, sir?

A Yes, sir.

Q And if I understood the occasion, you had come to Washington with some person whom you've declined to identify. You went to Mr. Nesline's apartment, at which time you met or you saw Mr. Nesline, you saw a Mr. John Shorter, I think at one point you called him "James Shorter." It is John Shorter, is it not?

A Yes, John.

Q And Mr. Borders was there, correct?

A Right.

Q All right. And you believe that was during the day?

A Yes.

Q Now, again, I just want to summarize your testimony so we don't have to take up a lot of time replowing it. In the course of that introduction to you to Mr. Borders, at some point Mr. Borders asked you and the unidentified gentleman whether you knew the Romanos or the Romano brothers, is that correct?

A In the course of standing there, Borders said I understand you're from South Florida, do you guys, do you fellows or whatever happen to know the Romanos. The answer was no. He then said is there any way, can you sort of reach out and ask some of your friends or anybody around do they know the Romanos or anything about them. With that, the other fellow said, Bill, this is more your line than mine, and he moved away.

Q Am I correct, sir, that one aspect of the way Mr. Borders put it to you, whether you knew the Romanos or what he wanted to find out about the Romanos, was whether they were, to use a term of art, connected?

A I believe that Borders had the advantage of me by maybe knowing something about me through John Shorter, so he may have assumed or he may have known that I knew people around the country, and primarily from South Florida, because that's where I lived, and asked me and my answer was no, I did not know them.

Q You did not know if they were connected, that is what I am focusing on?

A That's exactly right, I did not know, I don't know if they are hooked up with anybody.

Q Okay. The term "connected" as a term of art has a certain meaning, does it not? Does it not mean that the individuals have some connection with criminal activity, organized criminal activity?

A Right.

Q All right. So, Borders wanted to know if you knew whether they were connected, and you did not know?

A And I did not know, and then went further and said is it possible for you to find out.

Q Correct. All right. Now, thereafter, did you attempt to make some determination as to who the Romanos were and whether they were connected, in line with Mr. Borders' request?

A Yes.

Q All right. And did you ultimately--I believe you said you met with, you contacted a Mr. Willie Dara, who indicated that he did know the Romanos.

A Probably my fourth or fifth person.

Q Okay. Approximately--and I don't want to hold you to exactly--approximately how much time passed from the time you first met Mr. Borders and he raised the inquiry and the

time you connected with--strike connected--you met with Mr. Dara and he told you he knew the Romanos, about how much time passed?

A Maybe a week, ten days, two weeks.

Q Okay. So, this would be either still in March or the end of March--

A Probably the latter part of March.

Q The latter part of March. Okay. Now, if I understood your testimony, Mr. Dara--did Mr. Dara know anything about the Romanos having any pending case in court, did he mention anything to you?

A Yes, he did.

Q Okay. So, Dara, who knew the Romanos, indicated to you that he understood they had a case pending?

A He knew they had a case--

Q Okay.

A --an on-going case.

Q Okay.

A Did he tell me what it was? No. Did I ask? No.

Q Just the fact that there was a case?

A That they got a case.

Q And Mr. Borders, as I understood your testimony, did not raise the fact of a pending case at that point?

A No.

Q All right. So the first time you heard it is

actually from Dara?

A Right.

Q All right. After Mr. Dara indicated that he knew who the Romanos were, how did he describe them to you?

A That they were well-connected.

Q Okay. And anything about their liability?

A Yes, that they were stand-up people.

Q Stand-up, and that in what I will call underworld parlance meant that they could be relied upon, that they would not go to the authorities?

A Right.

Q Okay.

Mr. Anderson. Senator, may I interject for a moment? It had been represented to us before that Mr. Dredge would be produced at trial, I believe by the House Managers. I understand that now to be true. We do object. May we be excused? I would ask that we be excused to this proceeding. We now object.

Senator Specter. Well, let's take it a step at a time. You represent that the House Managers--

Mr. Anderson. I believe that Mr. Baron has assured us at some point that Mr. Dredge would be produced if we put him on our witness list. This was before we got into depositions.

Senator Specter. Let's hear from Mr. Baron.

Mr. Baron. What I represented, and I certainly would be prepared to go back to the record, was that (a) the House had no way of contacting Mr. Dredge directly, that our only means of contacting him was through the assistance of the FBI, that we would, if Mr. Anderson sought to have Mr. Dredge produced for any purpose, that we would make contact with the FBI and ask them to make contact with Mr. Dredge. We certainly never guaranteed that Mr. Dredge was going to show up for anything, we could hardly do that, but that we would initiate the process to contact Mr. Dredge, make him aware of whatever proceeding at which his presence was desired and that's about as far as it could go.

Mr. Anderson. I with that.

Senator Specter. Did Mr. Baron say more than that?

Mr. Anderson. I agree with everything, that it happened exactly in that context, except my recollection is that Mr. Baron said that the FBI had said they could produce Mr. Dredge.

Mr. Baron. I don't believe that's true. First of all, I couldn't speak for the FBI. What I did know was the FBI had means of reaching out to Mr. Dredge, contacting him, letting him know that his presence was wanted, and indeed I may have even gone so far as to say that if there was a subpoena to be served, that they would serve it on him. I'm not even sure about that, but certainly nobody, not I and I

don't think the Bureau is prepared to guarantee that Mr. Dredge was going to appear, if that is what is being implied.

Mr. Anderson. I don't understand guarantees. I understand--my impression was that this was not going to be a problem. It today has emerged as an apparently material problem.

Senator Specter. Mr. Anderson, aside from your impression, what do you represent Mr. Baron said, anything differently than he has said he said?

Mr. Anderson. I believe he told me the FBI told him they would be able to produce Mr. Dredge. I don't claim the--

Senator Specter. Mr. Baron says he did not say the FBI would produce Mr. Dredge.

Mr. Anderson. It is my recollection that he said they would be able to. I understand he can't guarantee their conduct or Mr. Dredge's, but that was the impression I had. I did not, until this morning, understand us to have any significant problem in assuring that this witness would appear at trial, and I get from his counsel that that now is a significant problem. I object to a proceeding which is setting up an unavailable witness problem in advance.

Mr. Baron. Mr. Chairman--

Senator Specter. Why do you say it is setting up an unavailable witness problem in advance? This examination

was your idea, Mr. Anderson.

Mr. Anderson. It was my idea, on the assumption that it would be a discovery deposition in anticipation of trial, so that I could find out what the state of the witness' present recollection was and have a transcript of that to compare against the other evidence in the prior transcript to prepare effective cross-examination and examination.

Senator Specter. Aside from the conversation that you have referred to with Mr. Baron, what basis did you have for concluding that Mr. Dredge would appear at trial?

Mr. Anderson. That's it.

Senator Specter. We now have the subpoenas, one subpoena which had apparently not been served in advance, which we are now in the position to exhibit the original to the witness and leave an attested true copy for the proceeding this morning, which is now moot, and we have a second subpoena which is to Mr. Dredge, demand his appearance before this Committee on July 10, 1989, at 9:00 o'clock, in Room 216 of the Hart Senate Office Building.

I will now give those to you, Mr. Dredge. Here is the original of today's, which is now moot. This is an attested copy for you. I will give this to you, Mr. Dredge, and here is the original of the subpoena for July 10. Here is a copy for your records.

May the record show that I have handed the original

of the subpoena for July 10 to Mr. Dredge and he has physically received it.

Now, if I may, I will now take the original and leave you with the attested copy.

Mr. Bryant, you wanted to be heard?

Mr. Bryant. Well, Mr. Chairman, I think subsequent conversations have mooted out what I was going to say a moment ago. I just wanted to observe that it was obvious to us all, when we had a telephone conversation that included Mr. Anderson, Mr. Spaeder, me and Mr. Baron, that it was going to be difficult to arrange this deposition, and I think that throughout our proceedings it has been well known to Mr. Anderson that we at no time could guarantee that any witness that he wished to call, but that we would simply be cooperative in putting him in touch with that witness through the FBI.

I think it is very unusual to assert that an adversarial party in any proceeding has the obligation to present witnesses which are to be used by the other side. All you can do in any proceeding is--

Judge Hastings. You control the witness, we don't control the witness.

Mr. Bryant. Mr. Hastings, nobody controls this witness.

Mr. Spaeder. Senator, I can assure you that

neither party in this proceeding--

Judge Hastings. We can't produce him with our warrant.

Mr. Bryant. That is simply incorrect.

Judge Hastings. It has been that way all along, sir.

Mr. Spaeder. Mr. Chairman, on behalf of the witness who does not wish to be here in support of either party's position, let me assure this panel that neither side controls Mr. Dredge. Obviously, we have been personally served by the Senator with the two subpoenas, we acknowledge that service, although we accept it without agreeing to its legal validity, but that is a matter perhaps between us and those entities who might be obliged to enforce the subpoena at the appropriate time, and I don't know what Mr. Dredge's position will be.

But I think that Mr. Anderson is now no worse off today, having achieved his purpose of getting a subpoena served on the witness, than he would have been had he had the commitment that he believes should have been honored by the FBI to get a service of a subpoena in Mr. Dredge's hands. Mr. Dredge now has that subpoena.

We are prepared here to answer questions. Mr. Dredge is willing to cooperate with this panel and to answer all questions at this time concerning his dealings with the

principals in this investigation. I would think it would be sad indeed if the parties here today did not take advantage of his availability. I can't guarantee his presence at some future proceeding.

Mr. Gekas. Senator Specter, I do myself want to endorse what counsel says, that this is an opportunity that was requested by defense itself, by Mr. Anderson for an exposition, a deposition of the testimony that might be offered by Mr. Dredge. Now, to turn around and to allow Mr. Anderson to summarily object to any further proceedings,, in order to give him a further reason for delay or for other motions that he might want to make that witnesses weren't available to him or may not be available to him, is unworthy of the whole process.

This particular witness being a very unique type of witness, where both sides are having difficulty in pinning down his presence, whereabouts, availability and all of that, it seems to me that we are enriched by his presence here today and must take full advantage of, for the defense and for the managers.

I want the record to show that the attempt by Mr. Anderson here to set up this proceeding and then possibly use it as a straw man, saying it's unproductive or cannot lead to the guarantee of the presence of Mr. Dredge at a hearing, and then--

Judge Hastings. That's absolutely ridiculous.

Mr. Gekas. --and then to be used--

Judge Hastings. I am a little bit tired of the charade of--

Senator Specter. Judge hastings, I will give you an opportunity to respond as soon as Congressman Gekas finishes.

Judge Hastings. Fine.

Mr. Gekas. We will be ill-served by saying if we do not insist that the full opportunity that Mr. Anderson requested for this hearing be amplified to allow him to ask the full panoply of questions that he wants to pose to Mr. Dredge once and for all, pending the hearing that is coming up on the 10th, and not to countenance a delaying tactic.

Senator Specter. Judge hastings.

Judge Hastings. My statement was that it is absolutely ridiculous. Thank you.

Mr. Anderson. Senator, if I might just briefly supplement that, you have another aspect of this. The Committee, at least at this point in time, wishes, has made a time allocation, you have sat through a longish hour and a half where we are trying to reconstruct for us the first time a sequence of events. That is in order to take it--I take it, the purpose of that deposition is to enable us to plan an efficient direct and cross-examination of various witnesses

to the extent we can.

We have not had the subpoena power the investigating committee had, we did not have the subpoena power the House has. We do appreciate that this deposition was conducted at our request, but we sought it for the purpose of doing discovery of matters we had never had an opportunity to explore, so that we would have at least one little transcript comparable to the stacks that are available to the investigating committee and other things to aid us in preparing for trial and examining a witness who would be at the trial. We did not call this to set ourselves up with a discovery deposition which we were doing to gain information to review in preparation for trial, with the possibility that that would then be introduced as substantive evidence, overriding the hearsay exclusion at a subsequent trial, and neither Judge Hastings nor I--and I at this point am not impugning anyone--that neither Judge Hastings nor I either wish to be present or proceed with something which now strikes us as though that may be the product.

We will be prepared, if we have to, to go straight to trial, using the prior stuff and we will prepare for an examination of Mr. Dredge. It will take a fair amount of time, but we wish him produced at trial and we do not wish this to be viewed as a substitution where, whether it is Representative Gekas, Mr. Bryant, Mr. Baron, whomever, to

suggest, oh, they had their opportunity at some prior time and we should just admit it on the record.

This is a person who, if he is examined at all, should be examined on video. This is a person who, if the videos are viewed by the Senators, is one of those crucial witnesses they ought to see, they ought to hear. They shouldn't read. And I don't want to set up a record that simply comes in and it will be printed somewhere and everyone will talk about how enriched we are by the presence of William Dredge, who has been identified in the House and in everyone's reports as a career criminal spanning 40 years, who is a source of this man's problems, that we are enriched by his presence. His presence should be insisted upon by the Senate, if there is a trial that is to be fair to Judge Hastings, and we are going to ask, and we ask now, the Senate to insist upon that, and we frankly do not wish to proceed or be present at the deposition of a witness where it now appears that there can be no assurance that the Senate will be able to enforce its process.

It rings in my ear a bit the command in the Watergate-Nixon, the judicial command that every man's evidence is to be placed before it. This man's evidence should come forward at trial, and we will ask you to do that, and until we have that assurance we will reserve the right to examine him until the time of trial.

If we might be excused, Senator.

Senator Specter. Mr. Anderson, the Senate Committee and I are trying to do everything we can to be fair and accord you all reasonable opportunities to prepare for the hearing and to secure a comprehensive and a complete hearing, and it is only a review of what has happened, that this prehearing examination is being conducted at your request.

We have moved in accordance with your request to effectuate the service which you have already seen, so he has been served with a subpoena, as you have requested. The problem as to the validity of the service is new to me, and I have had some significance experience in the field, but I am not in a position to rule with finality on it and I do not think it is sensible for a single Senator to represent, to bind the Committee. I just don't think that is appropriate, that this is an issue we ought to have advantage of the case law to see how this matter has been treated by other thoughtful people, aside from thinking about it over the course of a few minutes.

But a few minutes after you raised it, I did respond to you, as you know, so that you could proceed to take trial testimony if you chose to do so.

Mr. Anderson. Senator, may I respond?

Senator Specter. You may respond, but I have a few more words to say. You didn't come here to take hearing

testimony, you came to take prehearing examination, so those are the procedural aspects and I want to give you every opportunity to develop it fully.

Now, when you move from the procedure of the Committee, the Senate, the Committee and I are interested in what the facts are and we have Mr. Dredge here today and I do not know whether this pretrial examination will be received by the Committee or by the Senate as substantive evidence. I do not know that. But I do know that once he is here, I personally want to hear him and I think the Committee would want to have the benefit of his testimony and the Senate would want to have the benefit of his testimony.

Now, you may absent yourselves, you and Judge Hastings are free to leave. What the legal consequences are, frankly, I am not sure. My own sense is that you would be as bound after you leave as if you stay, because you have had an opportunity, but I don't want to get involved with those and I am not predicting what the legal consequences are going to be. I just want to find out what this case is about and I want to do it in a fair way.

I believe that Mr. Dredge is under a valid subpoena. I will give you my own view at the moment, and I say that not because there may not be some case law which could excuse it if he appears here under a special circumstance, but because he has been here, he has been served, he has been notified,

and it is important that he appear in person so that the Committee can see him, I agree with that.

So, my instinct would be, unless there is something very, very compelling that I don't know about--and I doubt that very much--I have 99 percent certainty in my own mind, I would expect the subpoena to be backed. There are eleven on the Committee, and there may be something that his counsel would want to speak to on that, but I would hope that you would stay, Mr. Anderson, and that Judge Hastings would stay and we will proceed to hear the witness.

Mr. Anderson. Senator--

Senator Specter. You have already said that he said a lot of things that are inconsistent with what he said last, and you have an opportunity to develop that. If you absent yourself, you won't have the opportunity here, you may never an opportunity.

Mr. Anderson. Senator, if we ever have it, I too would like the opportunity to study the case law in terms of being bound. But let me say at the outset, I do appreciate that this Committee and you, Senator, and your staff have made extraordinary efforts to produce discovery for us.

I do appreciate the fact of the time that you have devoted and of the fact that this witness is here today as a result of the Committee's willingness. I am not sure whether we will be bound. I will have to consult some case law in

terms of that, but I frankly think that the trial of this man must be conducted--the assertions you have made about how you and the Committee would want, even if this wasn't admissible, to consider this testimony are precisely the kinds of concerns that--and it may be from a trial perspective--give me. This is all hearsay at this stage and there is always the tendency to consult that. I understand your interest in the facts, but, as I understand the nature of an impeachment trial, it is not an inquisitorial process on the European model, where we simply look at everything and keep winnowing. When it was contemplated, it was a trial on the common law model, be it a criminal trial or a civil law trial.

We are anticipating a trial and neither Judge Hastings nor I feel we can effectively protect our rights by remaining present during this. I do acknowledge the efforts you have made. I respect them, but we do object to these proceedings and we would ask the Senator's leave to withdraw.

Senator Specter. You do not have my leave to withdraw or the Committee's leave to withdraw. As far as my ruling is concerned, to make it formal, this prehearing examination will continue and you are invited to stay. You are not compelled to stay, and the legal consequences will be determined at a later stage.

Judge Hastings. Thank you very much.

Mr. Anderson. Thank you, Senator.

[Judge Hastings and Mr. Anderson left the room.]

Mr. Baron. Thank you, Senator.

Senator Specter. Let us give counsel and Judge Hastings an opportunity to consult. We will take a break.

[Brief recess.]

Senator Specter. We will continue.

[Judge Hastings and Mr. Anderson left the room.]

Let the record show that Judge Hastings and Mr. Anderson have left, and we will now proceed with Mr. Baron's examination.

Mr. Baron. Thank you, Senator.

BY MR. BARON:

Q I think, Mr. Dredge, we have covered some of the ground whereby--and again, let me recap it, and if I am incorrect in any aspect, please correct me. I believe your testimony had been that sometime in March, you and an unidentified individual came from Florida to Washington, you went to the apartment of Mr. Nesline. When you got there, Mr. Nesline was there, Mr. John Shorter was there, Mr. Borders was there, at which time--this was the first occasion on which you were introduced to Mr. Borders thus far, is that correct?

A True.

Q Okay. And in the course of this gathering--and you don't know how long Mr. Borders had been there before you

arrived--

A No idea.

Q --in the course of this gathering, Mr. Borders asked you, since you and the other unidentified individual, since the two of you were from South Florida, he asked do you know the Romanos, the Romano brothers, and he wanted to know if you knew whether they were connected, and we have already covered the ground that the term "connected" was in a sense of did they have any connections to the underworld, to organized criminal activity. is that accurate?

A Yes.

Q Okay. And it is also my understanding that your testimony is that the other gentleman, in effect, deferred to you to be the one to make inquiry to determine who the Romanos were and whether they were, to put it in quotes, "connected." Is that accurate?

A Right.

Senator Specter. Who was the other gentleman, now?

Mr. Baron. That is the individual who Mr. Dredge declined to identify, stating that he had nothing whatever to do with anything that occurred subsequently.

Senator Specter. What is the basis for saying that or as your leading question said--

Mr. Baron. I am just trying to summarize, Senator. I just want to move this along.

Senator Specter. That's okay, but Mr. Anderson is not here, so let me inquire at this point what is the basis for the characterization "deferred to."

Mr. Baron. I thought that is what his testimony was.

The Witness. That's true.

Senator Specter. It may be true, but I don't think that is what--if I recall your testimony, Mr. Dredge, you said that the other person unidentified at this point was present momentarily and then left the conversation. But when you say "deferred to," I take that to mean that there was consideration as to whether he would carry forward a message to the Romanos or whether you would, and then he deferred to you for you to carry the message.

The Witness. I'm sorry if that's what you inferred, and that is not what I meant. What I meant was when Borders asked the two of us, because we were standing there or the three of us were standing there, Mr. Borders said do you people know the Romanos or know anything about the Romanos, and that's when the other fellow said, Bill, this is more in your--I don't know whether he knew them or not, I have no way of knowing, I didn't ask, and have never seen that man from that day to this day.

Senator Specter. What did he say then?

The Witness. He said that's more in your alley

than mine, and walked away.

Senator Specter. He was directing that comment to you?

The Witness. To me, yes, sir.

Senator Specter. That is more in your line than in mine.

The Witness. About knowing people.

Senator Specter. About knowing people. So, he didn't say whether he knew the Romanos or not?

The Witness. I have no way of knowing.

Senator Specter. Your witness, Mr. Baron. I would suggest, Mr. Baron, that, in the absence of Mr. Anderson and Judge Hastings, that the questions not be leading, that the questions be in regular course of trial examination.

Mr. Baron. I will do my best, Senator. One thing, I would offer a slight correction to the way you phrased the question. I believe you put it in terms of Mr. Dredge or this unidentified individual taking a message to the Romanos. I think t this point, if I understood the testimony, it was simply did they know the Romanos, there wasn't any question at this early stage of carrying any messages.

BY MR. BARON:

Q Am I accurate?

A That's right.

Senator Specter. Yes, I think that is correct. I

was leaping ahead to the conclusion and I think that is a valid and important clarification.

Mr. Baron. Thank you.

BY MR. BARON:

Q Now, Mr. Dredge, in response to the matter that Mr. Borders had raised with you concerning finding out about the Romanos, did you undertake any activity in regard to that?

A Yes, I did.

Q What did you do?

A When I went back to Florida--keep in mind in this conversation of mine, that this was no burning thing as far as I was concerned. He asked me if I would inquire about the Romanos. I did. Did I do it immediately? If I happened to see someone that I knew, that I thought may know the Romanos, whether it be two days, three days, five days, I inquired, always with--and I asked three or four people, and that's the always, three or four people that I did ask, had no knowledge of them.

Q Did there come a time when you ran into someone who did have knowledge of the Romanos?

A No, I didn't run into him. I called him and asked him where he was going to be at, he said he was going to be at Mike's Barbershop, I said fine, I'll meet you there.

Q Who was this individual?

A Willis Dara.

Q Okay. And did you meet with Mr. Dara?
A Yes.
Q All right. And did you discuss the Romanos?
A I asked him if he knew the Romanos.
Q What was his response?
A Yes.
Q And what did he tell you about the Romanos?
A What kind of people are they? He said, you know, they're mob people.
Q Mob people?
A Mob connected.
Q Right. And did he say anything else about them?
A Yes, I'd like to talk to them.
Q He said he'd like to talk to them?
A I would like to talk to them.
Q What else did Mr. Dara say about them? Did he describe them in any way?
A Yes, they're two brothers, they have got a problem, they are on trial now or had been on trial, and they owned the Sea Inn, I believe it is, I'm sure it's the Sea Inn, they owned the Sea Inn and perhaps we could run up there and see them. He made a call from the barbershop.
Q Before you go ahead on that, did he make any comment concerning their character, their reliability? I believe you testified to it earlier, and that's one reason I

raise it.

A Yes, they're stand-up people.

Q Stand-up people.

A Yes, they're hundred percent.

Q Okay.

A He called Sea Isle or Sea Inn.

Q That's a restaurant?

A That's a restaurant on the south side of Hallendale Beach Boulevard that backs up to the Gulf Stream Race Track.

Q What happened?

A They were not there, they were out of town. I said that's a shame, I'd like to talk to them, I want to convey a message to them. He said, well, there's a guy Brother, and I don't believe that he ever--he may have said his last name, if he did, I don't remember it, I only know Brother, that Brother was taking care of their business and enterprises for them and maybe he could reach out and get them. He made a meet with--

Q Well, let me stop you there. From the time of this initial meeting with Mr. Dara, did you then get back to Mr. Borders to report on Mr. Dara's--

A Not yet.

Q Not yet. Okay.

Senator Specter. Mr. Baron, if the witness is answering a question, I think it preferable, under these

circumstances, if you let him proceed and then come back to whatever further you wish to ask him.

The Witness. Thank you, because I lose my train of thought.

Mr. Baron. I apologize.

The Witness. He called or he got hold of Brother, I imagine that he called or he got hold of Brother, I imagine that he called him, and I'm not sure that it was that same day that he said that the Romanos was out of town. He called the Sea Inn and that is how he knew they were out of town, and told me that this Brother took care of their business and he said I'll give you a holler, he'll call me. He did and he said I got a met with Brother at the Sea Inn tonight, around 6:00 or 6:30, can you make it, and I said yes, do you want me to pick you up, and I did pick him up. I picked him up at his house and we went to the Sea Inn and had dinner.

While wait, Brother never showed. About an hour and a half or two hours went by, but there subsequently was a phone call for Dara. Dara went out and spoke on the phone and come back and said Brother couldn't make it, for whatever reasons, I don't know, he apologized, he couldn't make it, but for Dara to set up a meet with him and I and to tell me where to go, which was--whether he went with me the following day, I hardly think so. I think he just told me--he asked what I was going to be driving, I told him what car I would

be driving, and that Brother would be in a four-door brown Lincoln and it would be--there is a, I don't remember the name of it, but there is a paint and body shop on Pembroke Road, between 441 and the next street, and that is where I would see Brother, he'll be expecting you.

I went there and I said to him that I was an emissary from--that I lived in Florida, but that I was an emissary from an attorney in Washington, D.C., that he said he could help the Romanos with their case if they wanted to talk. He said I would get that message to them, how do I get back to you. I said call Willie Dara and Willie will get me. That was the end of me with Brother.

BY MR. BARON:

Q Is that the end of this piece of the narrative?

A At this particular, how I got to Brother.

Q All right. In your testimony, the only thing you have referred to, you have only referred to one contact with Borders when he simply asked you to find out who the Romanos were.

A Exactly.

Q Did you have any contact with Mr. Borders--how did you know to give Brother the message you gave him, that there was a lawyer in Washington who could help them with their case? When had you learned that?

A That's a good point. I think I've taken it a

little out of line. When I found out that--I would like to back up a moment and insert this in there somewhere. When I found out from Dara that the Romanos was stand-up people, I may have known that for a day or two or three, but some time went by and I got a call from Nesline and Joe wanted to know if it was okay for him to give my telephone number to Bill Borders, and I said yes. He did. He did, because Borders called me and asked me if I had found out about the Romanos and I told him that I had and that they was stand-up people, they was all right.

I don't know whether he told me over the phone or whether it was on one of my trips here to D.C. that I had seen him again or he called me, I'm not sure which, but if they were solid people, that he could--I think that is when I found out from him that they had a case and that they had a case in front of a Federal judge and that he could probably help them if they wanted some help, if they had a problem he could help them. Whether that was on the phone or in person, I'm not sure. Then that is when I met with Brother.

Q Was that information that you had before you had the meeting with Brother, what you just described, your conversation with Borders?

A Yes.

Q Okay.

A Yes.

Q Okay. Then you had your meeting with Brother, correct?

A Yes.

Q And can you give us roughly a time frame, as best you can, recalling that your initial contact with Brother was sometime in March?

A Probably in the last part of March, it could even have been the first of April.

Q Okay. Now, you also testified you never heard from Brother again, you never spoke to him again.

A Never.

Q And you never have spoken to the Romanos?

A Never.

Q Okay. After this contact with Brother, did you have further contact with Mr. Borders periodically?

A Yes. When Borders told me that he could help the Romanos with their problem, I think that is when he initially told me that he--that is the first that I had heard of Judge Alcee Hastings, they had a cast in front of Hastings and that Hastings was his man and he could help the guys. Well, right away, signals went off in my head, this guy smokes Ajax, he can't don't play with a full deck, that was my--

Q You didn't believe him?

A No, I didn't believe him. Hell, I've heard that for years, that people had Federal judges, they may have had

State judges, they may have had county judges, and you read in the papers a lot about them. You never heard about a Federal judge ever being on the take or making moves or doing anything, and as far as I was concerned, it was a pipe dream.

Q Okay.

A He asked me was--was it on another occasion, I don't recall--to get back to the Romanos and relay to them that he could do some good with them, it would cost them $100,000 or $150,000. I said okay. I never got in touch with anybody. And there would be phone calls back and forth--oh, Borders--I would like to tell you--Borders didn't talk in normal conversation. I mean everything wasn't straight out, back and forth, that you knew exactly what he was talking about, and he didn't want to talk from his phone, he didn't want to talk on mine, and we set up--I give him a number of telephones in telephone banks at different locations--

Q By telephone banks, you mean public phones?

A Pay phones, 163rd Street Shopping Center, there's a bank of like 10 phones, I gave him those numbers, at the Northeast 6th Street, 168th Street, there is a bank of about 7 phones, I gave him those numbers. There was another set of phones at 123rd Street and 6th Avenue, in front of a public grocery store and a bakery, there is about 4 phones, and I gave him those numbers and he knew where those numbers were.

He in turn gave me telephone numbers.

Q Public phones?

A Public pay phones. He would call, he may be on the phone for a minute, go to 163rd Street, go to 6th Avenue, go to 168th Street. When I would go there, if I heard a phone ring, I answered it. On occasion, it was for other people, it wasn't for me, and likewise, with the numbers that I had for Borders. So, this went on about the Romanos.

Q What were the kinds of things that Mr. Borders was saying to you about the Romanos and--let me finish my question--what were you saying back to him, recognizing the fact that, in fact, you were not talking to the Romanos?

A He said to me, you know, did you tell these guys about the money, it would cost them--it may be $150,000, I'm not sure, but it seems to me initially I had $100,000 in my mind--that it would cost them $100,000 and they could--things would be a lot easier for them, initially, or he could help them. I said fine, I'll convey that to them. I never conveyed it to anybody.

Then time would go buy and he would say, well, what did they say. I would say, hey, man, they already got beat for $50,000, somebody that was going to do something for them earlier on and they got shafted, they're not coming with any money. Gee, I can't believe this, you know, we're not talking about a small thing here, these guys--

Q This is now Borders talking?

A This is Borders, yes--they can't be serious, I mean how in the hell can they let money stand in the way of their thing. I said, hey, man, I can only tell you what happened, they've already got beat, they're not coming up with no more money. Well, go talk to them again. I went and supposedly talked to them again, hey, now they've got another guy. I mean I kept waiting for this to evaporate.

Q You said now they've got another guy, meaning what?

A The Romanos had another man.

Q Okay. Who could--

A They don't need you, they don't need me.

Q What was Borders' response?

A It's impossible, how in hell can that be, I'm the only guy that has Hastings, nobody else has got him but me, their case is in front of Hastings and I can tell you all about the case, they have $800,000 or a million dollars that they have had to forfeit or he has taken away from them, he will give it back to them or give them part of it back, they are not going to lose any money.

Q Did Mr. Borders ever suggest any kind of test whereby his ability to control the judge might be matched against anybody else's?

A Yes.

Q What was that?

A When I told him that they already had another

party, they had another guy, they don't need you, they don't need me, they don't need anybody, they've got their guy. Well, that's impossible, it can't happen that way, I'm the only guy, let me tell you, we can set up a meet, let their guy tell them what date to have Hastings at a certain place and let them tell me where they want to have Hastings and see where the judge shows up.

Q This is Borders speaking?

A Borders telling me. I said fine, I'll tell them. I mean these are a lot of--we are walking, I would be up in D.C., we are out in this back alley or walking down the street--I spent more time in the back alley than I did in his office.

Q Was that at Mr. Borders' suggestion?

A Yes, he was concerned with people coming into the office and seeing us together, maybe he was concerned that his office was bugged, maybe was concerned that I was wired, I don't know. He talked and you had to pin him down, you had to pin him down, just what in the hell are we talking about, you know, never mind--I mean I wish you guys could talk to him, a revelation. If you think I'm bad, he's worse.

Q Okay. Now--I'm sorry, is there anything else you wanted to say at this point?

A And when I told him that, he said it can't be and the proof of the pudding is have the judge be somewhere, you

tell us, we're not going to tell you and we'll see what develops.

Q Okay. Now, I think it was agreed earlier that May 10, 1981 was a Sunday on which you were arrested pursuant to a warrant that had come out of Maryland based on your indictment April 19th, I believe was the date, on a drug charge. Do you recall that?

A Being busted?

Q Yes.

A Yes. I know that the indictment came down April 19th, though.

Q I wasn't asking that, but do you recall it was on a Sunday, May 10th?

A Right.

Q Okay. Now, prior to that date, had you had any discussion with Mr. Borders concerning anything the judge might do in connection with the Romano case?

A Yes, the judge would return properties to them, whatever the property was, and that--I'm not sure whether they were--I don't know if they had been sentenced or was going to be sentenced or what, but the properties would be returned and whatever time that there was going to be would be, it would be a probationary thing, there would be no incarceration.

Q You have testified earlier that, in your view, you

thought Borders was--this was a pipe dream on Borders' part, that he really couldn't deliver, correct?

A Right.

Q Was there ever an event which transpired which changed your mind about whether Borders in fact could deliver the judge?

A Yes, and that's when they were coming up, I believe, for sentencing and he said--he called me and he is beside himself.

Q Identify who was talking and who they were referring to, otherwise it gets confusing.

A This whole conversation, we are talking about Borders and me. When I say "he," I mean Borders.

Q Okay.

A There's nobody else that's in any conversation with me about anything.

Q All right.

A It's Borders and me. He said to me that he can't believe--now, Borders is saying to me he can't believe that he, being Alcee Hastings, that these guys haven't come up with the money and here I'm ready to drop the hammer on them, how in the hell could that be, because I think he's already spent the money in his mind. He said now the--

Mr. Spaeder. You have got to be very careful to distinguish between Mr. Borders and Judge Hastings and

yourself when you start using these pronouns. Do you follow me? He, I, we, they--make sure you use the name of a party.

The Witness. Borders said to me that he, Alcee Hastings, can't believe that these guys have not come up with any money, how could it be, because in the past I've told them they are broke, they have spent $50,000, they've got another guy, they ain't coming up with no more money, they're not doing anything, and he said, well, they're going to get sentenced. Now, the proof of it is that he's the main man.

Mr. Spaeder. Who is the "he"?

The Witness. Borders is the main man, because he will tell me now that tomorrow Alcee Hastings is not going to sentence these guys, there is going to be a continuance, without anything happening on anybody else's part, it's he, Alcee Hastings, that's the show that he is the judge.

BY MR. BARON:

Q Now, you say tomorrow, do you recall on or about what date that conversation took place, using the date of May 10th, when you were arrested as a reference point?

A That day.

Q That day, May 10th?

A Yes.

Q All right. Do you recall whether this was a--I believe your testimony was it was a telephone conversation?

A Right.

Q Okay. Do you recall whether pay phones were involved?

A It was at a bank of phones.

Q Okay. You were arrested on the 10th.

A Right.

Q Did you have any conversations with Mr. Borders concerning your obtaining representation in Florida to deal with your bail and things like that?

A Yes, I asked if he knew anyone in Florida, South Miami, Miami, if he knew anyone that could represent me at this hearing, this is for the bond hearing.

Now, let me say this, that the reason that I asked Borders was if he is politically connected and knew people, it wasn't that I didn't know any lawyers in Miami, because I knew an awful lot of lawyers. I'm looking for someone, because now here is a guy that I believe now has strength, I'm looking for somebody with strength, I'm not looking to go pay an attorney. I mean, hell, I'm looking for somebody that can go make a move.

He had Jesse McCrary represent me the following day, Monday, at either Salerno or Palermo, I'm not sure of the name, and he did do that. He was there, he came into the holding cell--

Q He being?

A He being McCrary, came to the holding cell and said

I'm Jesse McCrary, Bill Borders asked me to come and represent you and do whatever has to be done here, we'll go in, I'll ask for personal recognizance or a low bond or whatever and it will be remanded to Maryland, which is what he did. I got a personal recognizance bond, I believe it was half a million dollars, I'm not sure, but one of the stipulations from the magistrate was that at some point in time that day I had to surrender my passport to McCrary and McCrary had to call him or his office and tell them that he in face had my passport, which happened. That's exactly what we did.

I then--there may have been other conversations with Borders about the Romanos--

Q You are talking about that day, now I am talking about May 11th.

A I'm talking about May 11th.

Q Okay.

A I would like to digress for a moment. When I was arrested, I didn't know for sure whether the case would be heard in Miami or Maryland.

Q Your case?

A My case. I was never clear initially where that would be, but that day at the bone hearing there was a date set up to be in Baltimore, Maryland in the future. I knew the date then, I don't now. I called Borders, I'm reasonably sure I called Borders and said that McCrary was there, I'm

out on bond, personal recognizance, the case is in Maryland, in Baltimore, can you appear in Baltimore. Well, we'll talk about it when you come up.

I went up, talked to him, told him that I had a case, told him about the case in Baltimore, Maryland, and he said, well, I'll get you a guy over there, and he may have sent in an appearance for himself, I'm not sure.

Q Let me stop you for a moment. You've testified that on or about May 10th, Borders said to you that the judge was going to continue the sentencing in the Romano case and that same day, as you recall, that was the day you were arrested. Thereafter did Borders ever get back to you with regard to that issue, that is, whether the Romano case sentencing had been postponed?

A Yes, this was the next day, this would have been Tuesday, when I told him that I had the case in Maryland. He said, you know, I don't know whether you know what happened or not, but my man postponed the case, it's now postponed, that should be proof positive to these guys that I'm the guy.

I said now about this--keep in mind, I now know that he has strength--

Q You know it how?

A Didn't he just tell me it was postponed, with nobody doing anything?

Q Did that convince you, is that the event that

convinced you that Borders had strength with--

A Absolutely.

Q Okay. By strength, you mean what?

A That he could talk to Judge Alcee Hastings and get done what he wanted done.

Q Okay. Now, did you have subsequent conversations with Mr. Borders concerning the Romanos?

A Yes.

Q What were they?

A I don't know--again, I don't know about the time frames--he told me, Borders, that if they needed any further proof, they should have--tell them that they can have the judge at any given restaurant or hotel or wherever they want him to go at whatever time and he would be there.

Q Did there come a time--

A Not talking to the Romanos, I couldn't tell that to them, but it had already been planted in my mind that he would meet them.

Q Mr. Dredge, did there come a time, particularly in the early part of July, when you were in Washington, staying at Mr. Nesline's place?

A Yes.

Q And do you recall staying at his apartment and Mr. Nesline having a guest, another guest at the place?

A Yes.

Q Who was that?

A I believe--

Q Who you understood it to be?

A I believe that it was Santos Trafficante.

Q Can you identify Mr. Trafficante for Senator Specter and for the record, as you understood who he was?

A Do you mean physically describe him?

Q No, what you understood his reputation was, what his role was in South Florida.

A Well, Miami or Dade County, if you will, Dade and Broward County, is open territory, it doesn't belong to any family, that is, family, speaking about crime family. No one controls it, any mob, any family, Cosa Nostra, if you will, or whatever does not control Dade or Broward County.

Santos Trafficante's home base was Tampa, Florida. Santos Trafficante was the man who had Batista and the Cuban connection straightened out with gambling and whatever, that was his major contribution to the family, so he pretty well controlled Florida, with the exception of Dade and Broward County, because it was open territory that any of the family could come and go and do as they pleased and was not answerable to anybody and, as a matter of fact, there was no organized crime per se going on by the Italian, the Mafia, if you will, whatever, in Dade or Broward County.

Q Okay. Now, you observed the individual who you

believe to be Trafficante at Mr. Nesline's apartment at the same time you were there?

A Right.

Q And that was in July--

A July.

Q --early July 1981, correct?

A Yes.

Senator Specter. Mr. Baron asked you what Trafficante's status was and then you described what went on in Miami, but never came back to Mr. Trafficante, what was Mr. Trafficante's status, if any.

The Witness. Well, he was the boss.

Senator Specter. Thank you.

BY MR. BARON:

Q Now, what did you overhear or observe over that period of time when you and Mr. Trafficante were both in Mr. Nesline's apartment?

A I was there at the apartment before Santos arrived there. He arrived after I did and was a little put out because he had had a meeting with Borders and Borders never showed and he asked--I guess he got to Joe's by cab, Joe didn't go get him, I don't believe, I know he didn't--he used the phone and called around several numbers and he finally got hold of Borders, and I overheard the conversation that--of course, the conversation wasn't for my benefit, as a

matter of fact they probably wished I wasn't even in the house, but they wasn't going to ask me to leave, and he was introduced to me but he wasn't introduced as Santos Trafficante.

He finally hooked up with--but I knew that he was--because he had asked Joe about numbers, where he could reach out and get Borders, and he called and got hooked up with Borders and I overheard the conversation, at the Hilton. Shortly thereafter, they left or Santos left--I believe Joe took him to wherever they were going to go.

We were going to meet for dinner later on at a restaurant. I took Joe's wife with me and we went to the restaurant and shortly thereafter Joe and Santos drove up. We were sitting at one table and Joe and Santos were sitting at another.

Q Okay. Were you aware at that time that Mr. Trafficante was under indictment in Florida and that his case was pending before Judge Hastings?

A Did I know that it was pending before Judge Hastings? I don't believe so. I may have, I don't know. Did I know that he had a case? Yes, I know he had a case, because when I initially went to the authorities in Florida States Attorneys office, one of the people carried me in a room and showed me a whole flock of boxes with Trafficante, Arcaro, Battiglio, people that were under indictment or were

going to be--maybe they were busted, I don't know.

Q Based on what you were able to hear of the conversation between Mr. Trafficante, with the person you believed to be Mr. Trafficante and Mr. Borders, because you understood he was trying to reach him, did you ever overhear any part of any conversation between them, even from one end?

A Other than they were going to meet that night at the Hilton and that he couldn't hang around too long because he was not supposed to be there.

Q He being Mr. Trafficante?

A Trafficante was not supposed to be outside of 100 to 150 miles of Miami.

Q Did you come to learn what was the nature of Mr. Trafficante's business or get an understanding of what the nature of his business was with Mr. Borders?

A I think he was--yes, I got the impression--did anyone tell me directly? No.

Q That isn't what I asked. Did you learn, indirectly, what the--

A Yes, he was there--

Q Let me finish my question.

A Go ahead.

Q Did you learn indirectly what the basis was of their business relationship?

A Yes, that Trafficante was with Borders to try to

hook up with Hastings in his case.

Senator Specter. How did you learn that? That is-

- The Witness. Bits and pieces that I heard while in the apartment or on the--they was on the phone--

Senator Specter. Be specific. That is conclusory as you testified so far. What did you hear any specific person say, if you recall?

The Witness. I believe that it is now Borders talking, that Judge Hastings would tell Trafficante's attorneys and the attorneys representing the group, but he was going to tell specifically Trafficante to tell his lawyers what motions or--probably motions, I guess, what motions and whatever to do to present to him that would be so that he could act on them favorably in their behalf.

Senator Specter. Who said that?

The Witness. This is Borders talking.

Senator Specter. To whom?

The Witness. To Trafficante.

Senator Specter. When?

The Witness. I don't know. I don't know the date.

Senator Specter. Where?

The Witness. At--I believe at Nesline's apartment.

Senator Specter. Are you sure?

The Witness. Am I sure? No, I said I believe, I'm not sure.

Senator Specter. In whose presence did the conversation occur between Mr. Trafficante and Mr. Borders?

The Witness. Joe and I were there. We weren't sitting at the table, we were sitting over on the sofa. It is an apartment, a living room probably as big as, maybe even a little larger than this big table over here, where there was a phone at and Joe and I were sitting over here on the sofa. You didn't hear all of the--he didn't speak loud, and if Joe was saying something or we were talking, there is no way that I could hear, it was just bits and pieces that I overheard.

Senator Specter. Did Mr. Borders or Mr. Trafficante make any effort to avoid being overheard by others in the apartment like yourself?

The Witness. Well, I'm sure they didn't want us to hear.

Senator Specter. So, why didn't they conduct their conversation outside your presence?

The Witness. I can't answer that.

Senator Specter. You may proceed, Mr. Baron.

BY MR. BARON:

Q Mr. Dredge, just so I am clear, are you talking about an instance in which four people or more, but at least four people physically are on the same premises in the apartment? Is it Borders and Trafficante speaking and you

and Mr. Nesline somewhere else in the apartment?

A There would only have been three of us there, because the conversation was over the phone.

Q Well, how would you know what Borders is saying, since he is not in the apartment and--were you listening on the phone?

A No, I wasn't listening on the phone, but I could hear Trafficante repeating what he is saying to make sure that he had it exactly right.

Q I just want to get that clear. I had the impression from at least something you said that all four of you were in the apartment.

A No, I'm only hearing bits and pieces, because when I hear him talk, it is because he is asking a question, he being Trafficante, is this what you're talking about, you know, I want to be exact what we're talking about here.

Q Okay. Did--

Senator Specter. So, how did you know Mr. Borders was on the other end of the telephone?

The Witness. The phone rang, Joe answered the phone, just a minute, it's Bill Borders, and hand the phone to Trafficante.

Senator Specter. Proceed.

BY MR. BARON:

Q This is approximately the weekend of July 6 and 6-

7, in that period. I want to give you another date as a benchmark. I don't think there is any dispute about the fact that the date on which you came to the Miami Strike Force office to talk to them about what you knew concerning Mr. Trafficante and Borders and Judge Hastings was July 20th. Between the--

Senator Specter. Mr. Baron, asserting a date, what is the basis for your asserting the date?

Mr. Baron. There are memoranda of that that are in the record. It is really not a disputed fact. I am just trying to give him some frame of reference in terms of time. If you wish, I can pull them out of the record, if you--

Senator Specter. Well, I would like you to.

The Witness. If you will, I can answer the question. I know where he is--because he said the date that I was at the attorneys office, I know what he has reference to, because I told it to them.

Senator Specter. Mr. Baron, if you could establish the date from the witness, that would be preferable.

BY MR. BARON:

Q Mr. Dredge, do you recall the date on which you appeared at the U.S. Attorneys office?

A I went to the U.S. Attorneys office on the 20th of July.

Q ALl right. Prior to that time, between that date,

the 20th and the date that we were talking about earlier, which was July 6 and 7, was there another instance--

Senator Specter. Now, where do the dates July 6th and 7th originate, Mr. Baron?

Mr. Baron. He testified to that earlier, that that is when he was in the apartment and overhears Trafficante's conversation with Borders.

BY MR. BARON:

Q Am I correct?

A Right.

Senator Specter. How do you pinpoint that as July 6th or 7th?

The Witness. I may have had to appear in Baltimore.

Senator Specter. Are you sure of those dates, Mr. Dredge?

The Witness. When I said them, I was sure of them, I'm sure of that. Am I sure of them today?

Senator Specter. Yes.

The Witness. No, I'm really not sure of them today. I'm, only sure that that's when I said at some point in time, and it must have been a fact then, if I said it then.

Senator Specter. When did you say it?

The Witness. Probably shortly after I was at the U.S. Attorneys office, which was the--

Senator Specter. When was that?

The Witness. The U.S. Attorneys office, on the 20th of July, because I had had a call from Borders just previous to that to tell me that he was coming to Miami on the following day and for me to pick him up.

Senator Specter. Mr. Baron, had Mr. Dredge testified about July 6th or 7th today before you just mentioned those dates?

Mr. Baron. I think he testified that before the judicial investigating committee--

Senator Specter. My question is did he testify to those dates earlier today, before you mentioned the dates July 6th and 7th.

Mr. Baron. I thought he had. I believe he did.

The Witness. Today?

Senator Specter. Did you, Mr. Dredge?

The Witness. I don't believe so.

Mr. Baron. Maybe I missed that.

Senator Specter. Well, I think it is important, in the absence of counsel for Judge Hastings--

Mr. Baron. I agree.

Senator Specter. --that we proceed very cautiously and elicit the specifics from the witness.

Mr. Baron. I fully concur with that and if I misspoke, I apologize.

Senator Specter. Well, I don't think there had

been any reference to those dates and I just want you to go back over it and ascertain from Mr. Dredge as best he can what he recollects.

Mr. Baron. I believe there is another way I can do that.

BY MR. BARON:

Q Mr. Dredge, was there an occasion when Mr. Borders spoke to you about a victory he had had in court?

A Yes, and I was in Washington, D.C.

Q And what he did he tell you that day?

A He had just that day--and he was extremely happy, because he had won a case in court against President Reagan. Jimmy Carter had appointed him to a position in D.C.--I don't know the title or the name--

Senator Specter. Whom are you talking about now?

Mr. Baron. Talking about--

The Witness. Bill Borders was appointed by President Carter to a position in Washington, D.C. I don't know what his title was. It was President Reagan's contention that he no longer had that position because he was now President and whatever Carter did had no bearing on him. Borders took him, meaning the President of the United States, and the United States Government to court and won the case. The court ruled that Bill Borders was in fact whatever his title was and it would remain that way, and Borders was

extremely happy that he won the case. I beat the President of the United States, me, Bill Borders, I can still make judges, words to me from Bill Borders.

Mr. Baron. In that connection, just so there is no question of having the witness say something simply because I said it, I want to note that there is--

Senator Specter. Don't refer to the record in the midst of his testimony. Let's proceed to hear him testify.

Mr. Baron. All right.

BY MR. BARON:

Q That was one occasion when you were with Mr. Borders?

A Right.

Q Okay. When he had heard that he had won in this case?

A Right.

Q All right. Now, using the date of July 20th, you do recall that you did go in to see the U.S. Attorney, the strike force in Miami

A Yes.

Q Between the first instance, when you were in Mr. Nesline's apartment with Trafficante and the 20th of July, was there another occasion when you were in the company of Mr. Trafficante in Washington, D.C.?

A [No response.]

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Senator Specter. May the record show a pause and will the Court Reporter pick up the pauses so that--

The Witness. I--

Senator Specter. Excuse me just a minute, Mr. Dredge--those may be important, if you are left with this written record alone.

The Witness. I don't remember.

BY MR. BARON:

Q Now, you came into the U.S. Attorneys office on July 20th. What happened?

A I tried to talk to I believe it was the Federal prosecutor, if you will, or States attorney or Federal attorney or whatever, with no success. I got several people and in the course of--and told them that I had something to relate about a Federal judge and an on-going criminal case and who should I speak with. I think that--nobody wanted to talk to me. There was a multitude of people in and out, and I finally got one, a lady and we talked, but then she got up and went out and got some other people and people was back and forth in the room, and then--it was damn difficult, let me tell you.

I have read three things that was given to me about people who made statements at this meeting that we're talking about, July 20th, and they refer to me--

Q Before we get into that, why don't we just go with

you're trying to talk to somebody, correct? Did you ever fine someone to talk to about what you had to say?

Senator Specter. Well, let him finish what he was saying and then come back to that.

The Witness. Again, I had a lot of people that were talking, but no one ever stayed there. They would go in and go out and more people would come in and go out to another office, and in and out, it is like everybody wanted to hear but nobody wanted to know. The minute you said a Federal judge, I think it was like--I mean I think they was ready to capture me and put me in Chattahoochee, they didn't want to hear it.

I never told them my name initially and I did say to them--whether it was this day or the following day, I don't remember, but I believe it was probably that day--that the attorney that was going to come to see the judge or the attorney who was representing Alcee Hastings was coming here to have a meet, I believe was Santos Trafficante, and I wouldn't tell them his name, the attorney, but I said it was a black prominent Washington, D.C. lawyer, but it didn't--shortly thereafter it dawned on me I would just as well give them his name, you told him everything else except his name.

Subsequently, they did tell me his name and I did tell them that that was his name, William C. Borders. I believe it was William C., I'm not sure, but William C.--

Senator Specter. Was Mr. Borders' name the only name that you did not tell them about?

The Witness. I don't believe that I told them Hastings' name either, I just said Trafficante.

Senator Specter. A moment ago, I believe you said you didn't tell them your name.

The Witness. No, I didn't.

Senator Specter. You didn't mean that?

The Witness. Yes, I did mean that. I never did tell them my name. It was sometime thereafter. I probably told them Aaron Rabinowitz. I did not tell them my name. I did not park my car where I went, I parked it a good ways away. I did not give them any way to get in touch with me. When I did leave around 6:00 o'clock, they asked me if I would call back and get in touch with them the next day, which I did, which was the day that Borders was coming to Miami.

Senator Specter. So, you walked into the U.S. Attorneys office to initiate a conversation about Judge Hastings, without telling them your name or Borders' name--

The Witness. That's right.

Senator Specter. --or Judge Hastings' name?

The Witness. That's right. The only name mentioned was Trafficante. I knew that would get somebody's attention.

Senator Specter. Proceed.

BY MR. BARON:

Q What did you tell them? Why don't you start at the beginning and what was the narrative when you finally got somebody who would sit down and listen to you, what did you say?

A That there was a D.C. lawyer that was representing a Federal judge with a case with the Trafficantes. I said Trafficantes, but I knew the other names were Arcaro and whatever, and--

Q What do you mean by representing?

A I don't know what you mean.

Q Was he the judge's client?

A No, Borders--

Senator Specter. Let's have the witness say what he told him, as opposed to what he meant. What did you tell the people in the U.S. Attorneys office?

The Witness. That there was a case with the mob, Trafficante and other people, and that I knew that this black attorney, a prominent Washington lawyer, was going to be here the following day to meet Trafficante and this attorney is a representative of a Federal judge in order to take a bribe and alleviate the case.

BY MR. BARON:

Q Did you tell them about any other matters that you were aware of involving the as yet unidentified attorney from

Washington?

A I don't follow you.

Q You talked about the Trafficante situation. Did any other situation--

A The Romanos, I told them about the Romanos. As a matter of fact, I wanted to stick with the Romanos once I got their attention.

Q What did you tell them about the Romanos?

A That this attorney had told me and had proven to me that he did have the judge to do his bidding for funds, for $100,000, and I will stick with the $100,000 because I think that's exactly what it was, $100,000.

Q Did you get into the question of why you were doing this?

A Yes, I did, I told them that I would like to make-- that I had been arrested on a warrant from Maryland, it was a conspiracy case, and that I would tell them what I knew for them to get the case against me dismissed.

Q I believe you testified earlier that you had some information concerning this unidentified attorney coming to Miami. What did you tell them about that?

A That he would be here tomorrow--

Q Meaning the 21st?

A The 21st, to meet with Trafficante.

Q When had you learned that?

A Two or three days prior to me walking into the U.S. Attorneys office.

Q And what were the circumstances, if you recall?

A No, I don't recall. I don't remember, other than Bill Borders wanted me to pick him up at the airport.

Q And did you tell that fact to the authorities on the 20th, that you were supposed to pick him up?

A I don't recall, I may have, but I don't know. I don't remember at this time.

Q Did you have any further conversations with the Federal authorities either on the 20th or the next day?

A I did the next day, I talked further and I may have talked to a guy by the name of Beale, I believe, but I could be wrong, the following day, and that didn't take--I wasn't there too long. I think by then they must have gotten hold of the FBI and/or someone else, because it was the following day--

Q Around the 22nd?

A The 22nd--that an FBI agent by the name of Welton Murray I know and had known for a few years, with Murphy--

Q Bill Murphy, of the FBI?

A William Murphy, an agent, and I understand there was another agent there, there may well have been, but I don't know and I don't know his name, said that I had a problem.

Q You said that to them, you had a problem?

A They said to me I had a problem, because I went to the U.S. Attorneys office, I have made statements and I said yes, I want to make a deal and they said, well, it wasn't up to them, they could only pass it on or go back and forth and see what they can do, they weren't making any promises, nothing could--they was not in a position to make any deals.

Senator Specter. Mr. Dredge, I believe you have omitted the sequence as to how they knew who you were.

The Witness. I don't know how they knew who I was. I believe that they may have gotten my tag number at some point in time, but I'm not sure. I did tell them who Borders was after a fashion, because I knew by now that I had given them enough information that all they had to do was to check the airline reservations from Washington, D.C. and see what prominent attorneys was coming down that day or the following day.

Senator Specter. You say the FBI agents came to see you?

The Witness. Right, they drove to my house.

Senator Specter. And you have no idea as to how they determined that it was you who had appeared previously at the U.S. Attorneys office?

The Witness. Yes, because I was not talking to the FBI. They had to get it from the office that I was at or

from my tag number. I have no way of knowing.

Senator Specter. You have no idea, then, specifically, how the FBI knew that it was you who had come to the U.S. attorney's office before?

The Witness. No, sir.

Mr. Gekas. Senator Specter, there is a journal vote which calls us to go to the House, but I believe in the interest of time, if Mr. Bryant also concurs, that you ought to continue. We don't want to--.

Senator Specter. Thank you very much, Congressman Gekas. That would be appreciated.

Mr. Spaeder. Senator, I think there's a continuing source of confusion with respect to Mr. Dredge's testimony about when for the first time he revealed his true name to anybody associated with law enforcement. It's quite clear to me he's not getting the signal that's in the questions here.

Perhaps you might wish to ask him when, if ever, he for the first time revealed his real name to attorneys at the strike force in Miami, because we're dealing with multiple visits and I think it might help elucidate the record.

Senator Specter. Would you answer that question?

The Witness. Yes. I believe it was on the second day that I told them that my name was William Dredge. That is these people at the federal--the Justice people--not the justice people, excuse me, the state's attorney--the federal

attorney's office.

Senator Specter. That precedes the visit from the FBI?

The Witness. It was the next day that the FBI came. But, again, I did not tell the FBI.

Senator Specter. Well, I thought you just testified that you had no way of knowing how the FBI came to your home.

The Witness. And I maintain that. I don't know how they got there. They didn't tell me--the federal attorneys didn't--.

Senator Specter. You're now testifying that you had told the day before the federal attorneys your name?

The Witness. My name, right, not the FBI. Those federal attorneys, they are the ones, obviously, who conveyed it to the FBI. I didn't.

Senator Specter. Obviously, but then why did you say just a moment ago that you had no idea how the FBI came to your house?

The Witness. Well, I really don't have any idea. That's the only way it could have came about. I mean, they didn't tell me that they was going to tell the FBI.

Senator Specter. You may proceed, Mr. Baron.

BY MR. BARON:

Q You were interviewed by the FBI?

A Yes.

Q And what did you tell them?

A That--they said you got a problem. You've been to the federal attorney's office, you've made certain allegations, you've got this problem. And I told them I had a problem in Maryland; I would like to get that problem resolved, and that I would--and I did. I told them what I knew about Alcee Hastings, or what I knew about Alcee Hastings from William Borders.

Q And was that consistent with what you've been describing to us?

A Yes.

Q Okay. Now, did there come a time--were you in touch with Borders during this period? We're now into July, let's say.

A Yes.

Q And what is the nature of your contact with Borders?

A Still the Romanos.

Q Elaborate on that a little bit, if you would.

A He still wants to make a deal. They still want--they--Borders wants, and he's telling me the judge, Alcee Hastings--they want to make a deal that they can alleviate their case. They can help them with their case. They'll give them back properties. They're not going to give them any time and they want to get together with him.

Q Okay, and what are you telling him? Since you're

not talking to the Romanos, what are you saying back to Borders?

A I'm saying what I have said to you all along. I am telling Borders 40 different stories. They've got another man. We went through this before. They've got another man, they've got this. They don't have any money. They can't--they, Borders and Hastings, can't believe they can't come up with the money. They're connected. How come--you're not talking about the world or the--you're just talking about $100,000.

Q Now, did there come a time when you advised the FBI about any further contact that you anticipated between Mr. Borders and Mr. Trafficante?

A Yes. I told them that Borders was going to be meeting with Trafficante. I believed he was going to be meeting with Trafficante at a hotel.

Q This is separate from the meeting that you described from the 20th that was going to take place on the 21st? I'm talking about a subsequent time.

A This was after that. The day that Bill Borders, which was the 21st, I believe--he did, in fact, appear in Miami. He had called me and asked me to pick him up. I did not pick him up. He brought a cab from the airport to my house and while he was--the kitchen looks out to the street and he went and got a glass of water and as he was looking

out the window, he said I believe that that's the FBI just going by. And I said it probably is, it probably is.

He stood around a while because he was killing time and he then--oh, he asked me, he said how is it you didn't pick me up. I don't remember what I told him. I had a flat, I ran out of gas. I don't know what I told him, but whatever it was, I couldn't pick him up, and I didn't.

Senator Specter. Mr. Baron, do you have an estimate as to how long your examination will take?

Mr. Baron. I think it's short enough that it would probably be better to continue it to its conclusion. I can't give you an exact time, but I think we're talking within half an hour. I don't know what your schedule is, but I would guesstimate 30 to 45 minutes.

Senator Specter. Proceed.

BY MR. BARON:

Q Now, were you having any discussions with the federal authorities concerning your case?

A Nothing of any significance. I mean, I did not have no deal.

Q Okay. Were you attempting to negotiate a deal?

A Yes, I was.

Q Okay. Was that an ongoing process?

A Yes, it was.

Q During the months of July and August, were you

still in touch with federal authorities concerning what you had disclosed to them about Mr. Borders and the Romano case?

A Yes--.

Q Okay.

A --and told them that I would keep them apprised of any phone calls and/or anything that transpired between Borders and I.

Q Now, did there come a time when you contacted Mr. Borders at the behest of the FBI relative to what you had told them about the Romano case?

A By now, at the point that I'm going to talk about, Roger Spaeder and Peter Kolker are now my attorneys.

Q Mr. Spaeder is the gentleman sitting next to you?

A Right. They were not aware with my conversations with Borders or with the FBI. It was only after we were in Baltimore that I told Roger Spaeder and Peter Kolker about my involvement with the FBI and that I was attempting to do a deal, but that I wasn't being too successful. They was telling me--that is, they, whoever they were dealing with, and there was a meeting set up with Roger, Peter, myself, Steven Allen, who was the federal attorney in Baltimore, several of the FBI agents, the strike force, a group of people, a lot of people.

And they wanted--they wanted to know how they could go about, or they was coming up with plans to how to go about

to get to Borders because they wanted me to wear a bug. They wanted me to get him to a room that was bugged. I refused, and I told them the only viable way that you were going to do it was to introduce someone to Borders as being a Romano.

And if they could hunt through their files, they could find an agent that resembled one of the Romanos pretty close, and that I could introduce this guy as being--this undercover agent as being a Romano to Borders. They then would handle, or could handle or conduct any business that needed to be conducted.

Q If I understand you, that was a proposal you made to the Bureau?

A Yes, because they had made several proposals which wouldn't fly. It was like a lead balloon, and then I said, hey, it can't--well, if that don't work, we can do something else. And I said, hey, you get one shot. You don't get two, you don't get two. You get one, and what you do had better work. This is the only vehicle that you've got that will work because he believes me, he trusts me, and I know that I can do this because of things that he had said to me before. And I knew that it was the only way that they could follow and have it firsthand as opposed from me.

Q Well, could you elaborate on that? What did Mr. Borders say to you that led you to conclude that you could introduce an undercover agent to deal with him posing as a

Romano?

A He had said to me at some point in time that he'd like to--you know, I told him that I wasn't going to be no emissary carrying no money, going back forth or doing deals. I wasn't going to be involved in that. Why are you not going to? I don't want nothing to go wrong because I'm going to be the guy that is answerable.

He said, well, I'll meet with one of the Romanos or I'll meet with both of the Romanos. Then he cut it and said I will meet with one. So I knew that from previous conversations. Now, in the interim, Roger and Peter are apprised of this, I believe, that morning in Baltimore, that I had been talking to the FBI about Borders.

Roger and Peter got with Allen and they ironed out an acceptable--not really acceptable; perhaps I should have brought them into the picture a hell of a lot earlier than I did. It would have been better, but Monday morning quarterbacking is always great.

And they hammered out a deal that I could live with. I then--and in the meantime we had finished--I think it was after the agreement that we had the session that how they could best do it. I agreed then--.

Q How they could best do what? Who are the "they?"

A The FBI could best get involved with Borders and have it firsthand.

Q Okay.

A They subsequently found either a retired agent or maybe still an active agent. I don't remember which, and I introduced those two together--.

Senator Specter. Which two?

The Witness. The undercover agent and Borders at the airport in Miami.

BY MR. BARON:

Q Prior to that event, had you made any contact with Borders to set up the meeting that you've just described?

A Yes. I called Borders and said I can make the meet with you with one of the Romanos. How do you want to handle it? How do you want to do it? Where do you want to do it?

Q And what did he say?

A He said I'll met them at the airport. I believe it was around nine o'clock in the morning, or ten o'clock--I'm not sure which--at Miami International Airport. And I said I will introduce you two. I will walk away and then you guys can conduct your business.

Q And, in fact, did you do that?

A Yes, I did.

Q Now, thereafter, were you actively involved in the undercover operation in dealing with Mr. Borders relative to these transactions?

A The only other--no. Was I active with the FBI?

No. I only agreed--I agreed to convey to them any other phone calls that I may get from Borders and would let them know what the conversation was about and how it was going.

Q And did such an event ever take place?

A Well, I'll back up. After I introduced Borders and the undercover agent as a Romano and put them two together, I left. Later that day, Borders called me, told me that they got along very well. Things was okay, that he would handle everything from here on out.

Then I received a phone call from him--.

Q Let me stop you.

A Okay.

Q By any chance, do you recall the date that that actual physical introduction between you and the undercover agent took place? It can be verified from other sources. I'm just wondering whether you know.

A Do I know the date?

Q Yes.

A No, I don't know the date.

Q Okay. What other contacts did you have with Mr. Borders subsequent to the introduction of the undercover agent to him?

A Borders called me a bit after that--I don't know how long, but a little while after that--and said that he was not--that he had bad vibes with Romano, the undercover agent.

He said they were getting very pushy and wanted to give me too much money at one time, and there were various things that he wasn't happy with. I said fine, you're not happy with him; walk the hell away. That was my last conversation that I can remember.

Q Okay. Now, in the course of your dealings with the Bureau--and I'm going back in time now. You've just given me the last event; I'm going back. Did you ever tell them about any monies being delivered to Borders relative to the Trafficante matter?

Senator Specter. Could you please ask that question, Mr. Baron, in a non-leading fashion?

BY MR. BARON:

Q Did you ever become aware of any further dealings between Mr. Trafficante or anyone on his behalf and Mr. Borders other than those you've described?

A I do have--and I don't know why that I know it. I don't recall why I know it or how I was aware of it, but there was a fellow who met--who came up to Washington from Tampa, Florida, that I believed was using the name or was going under the name of Gonzalez, and delivered funds to Borders. How much, I don't know, but it seems to me--and I don't know whether I learned it then or when I learned that this Gonzalez was there--.

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Senator Specter. Well, let's start at the beginn-

ing. When did you meet Mr. Gonzalez?

The Witness. I can't tell you, Mr. Specter. I don't recall. I don't recall how.

Senator Specter. Where did you meet Mr. Gonzalez?

The Witness. I don't believe that I ever personally met him. I believe that I seen him.

Senator Specter. Where did you see him?

The Witness. And Borders told me that it was Gonzalez.

Senator Specter. Where did you see Mr. Gonzalez?

The Witness. It might have been at Borders' office.

Senator Specter. Under what circumstances?

The Witness. I don't recall.

Senator Specter. Are you now describing something that you were told about?

The Witness. I'm describing something that I was there when--I don't know, Mr. Specter.

Senator Specter. Do you have any firsthand knowledge of this matter?

The Witness. No.

Senator Specter. Proceed, Mr. Baron.

BY MR. BARON:

Q Mr. Dredge, have you ever used the alias Howard Schlosser, S-c-h-l-o-s-s-e-r?

A My telephone at 970 Northeast 160th Terrace where I

lived--when I bought that house, that's the name that I had the phone put in. I also believe that I may have had the water, gas, and the electric in the same name, although the house was purchased in my name.

Q Do you have any connection with the address 970 Northeast 152nd Street?

A That's the address I just said.

Q That's the one you just meant?

A Yes.

Q Okay, and that was one where there was a telephone in the name of Howard Schlosser, but, in fact, it was you?

A Right.

Q Okay. Do you happen to recall the telephone number at that address, or would you recall it if I gave it to you?

A 9939 was the last four digits. I don't remember the first part.

Q Mr. Dredge, during the time that you were--you've described that Borders was talking about the Romano deal, but when, in fact, you were not in touch with the Romanos, why didn't you simply tell him that you had never heard from the Romanos and just end it that way?

A I think perhaps it was because in the back of my mind--first of all, I thought it would just disappear, number one, because I didn't believe that, in fact, he could deliver. That was number one.

Then after I had received information--and, again, I don't really recall how I received information--that I was a subject of a grand jury hearing, I thought it would be expedient for me to keep Borders around because if he had the strength that he claims he has with people in general or attorneys, judges, not specifically any one judge, that he could be a benefit.

As a matter of fact, after I got busted that Sunday, shortly after that when I was up to see Borders, he said, see, here is a golden opportunity for you. It's a damn shame your case ain't in Florida; it would get wiped out, because mine was a federal case. Alcee could have taken care of this, no problem. All we'd have to do is get it in front of him.

Q I believe your testimony earlier, in response to a question from Mr. Anderson, was that you have never spoken to Judge Hastings, I suppose, other than maybe to say hello today. Have you ever had any conversations--.

A I didn't say hello today.

Q Okay. Well, maybe never. Have you ever spoken to Judge Hastings?

A Yes. At Borders' office, at some point in time, Hastings was at Borders' office when I was there, and I believe he was introduced to me there at Borders' office. I seen him on--.

Q Let me stop you there.
A Okay.
Senator Specter. Are you sure of that?
The Witness. Pardon?
Senator Specter. Are you sure of that?
The Witness. Positive, positive.
Senator Specter. Didn't you testify earlier today that you'd never spoken to Judge Hastings?
The Witness. I said he was introduced to me. I didn't talk to him.
Senator Specter. Were you introduced to him?
The Witness. I was introduced to him at Borders' office, yes, sir.
Senator Specter. That's talking to him, isn't it?
The Witness. No. As far as I'm concerned, I wasn't talking to him. Because I was introduced to you doesn't mean I'm talking to you. I mean, someone introduced himself to me this morning. I didn't talk to him.
Senator Specter. Can the court reporter read back the questions which were asked by Mr. Anderson of Mr. Dredge?
[Discussion off the record.]
Senator Specter. Let's go ahead.
BY MR. BARON:
Q When you were introduced to Judge Hastings, did you say anything to him?

A I don't believe so.

Q Did he say anything to you?

A I don't believe so. As a matter of fact, if memory serves me correctly, I'd like to give you a little description of the office. There's a flight of stairs that go up. The reception sits over here. The back door is back there and I'm over here, and I believe that he had came down the steps.

Borders and I came in together and he came down the steps and was talking to the girl at Borders' desk when Borders and I came in. And it may just be that Borders said to me this is Alcee Hastings--closed case.

Q Was there ever any other occasion when you observed Judge Hastings either separately or with Mr. Borders?

A I had to meet Borders at a hotel and I'm not sure whether it was the--and I'm still not sure whether it was the Wardman Park Hotel or the Hilton Hotel.

Q In the District of Columbia?

A In D.C.

Q Right.

A And I met Borders, and to meet him, I had to meet him to talk to him. He wanted to talk to me, whatever, and I met him at--it was either the Wardman Park, and that sticks in my mind, the Wardman Park, or it could have been the Hilton. And I seen Hastings there.

Q With Mr. Borders?

A I met Borders and Borders and I went over and talked. Was he with Borders? No.

Senator Specter. Now, Mr. Baron, would you please not ask leading questions? You can ask him whom was he with.

The Witness. Borders was not--.

Senator Specter. You don't have to ask him--you don't have to plant Hastings being with Borders, Mr. Baron.

Mr. Baron. I'm sorry, Senator. I didn't think I was doing that in my questions.

Senator Specter. Well, you absolutely did.

Mr. Bryant. Senator, if I might say something here, he specifically asked the question, had they been together another time, and he said yes and began to describe the situation at the hotel, implying that they were together. Mr. Baron's question was, was he with Borders, and--.

Senator Specter. Now, Mr. Baron doesn't need any defense here, Mr. Bryant. This is being conducted in the absence of the attorneys for Judge Hastings, and I've asked him to be careful and I'm not interested in what the implications are. I want this witness to be asked non-leading questions.

The Witness. Shall I answer?

BY MR. BARON:

Q Go ahead.

Senator Specter. Well, what is the question? What

question is pending? Would the court reporter read the last question back?

[Pause.]

BY MR. BARON:

Q Just describe the scene at the meeting at the hotel.

A I had a meeting with Bill Borders at a hotel, either the Wardman Park or the Hilton; I'm not sure which. I met Borders. While sitting there talking with Borders, Judge Hastings was there walking around the hotel. I did not see Borders and Hastings together. They were--but I was with Borders and Hastings strolled by, did not look in our direction, did not talk to Borders, didn't do anything except he was walking.

Mr. Baron. Would you bear with me for a moment, Senator? I may actually be finished.

[Pause.]

Mr. Baron. Just a couple more questions.

BY MR. BARON:

Q Mr. Dredge, when you were in the Washington area, did you on occasion--I'm not talking about any particular occasion, but was it your practice to call either your store or your home and charge the calls back to there?

Senator Specter. Would you repeat that question, please?

Mr. Baron. I'm just asking, when he was in the

Washington area, did he have occasion to call home or to call his store in Miami and charge the call back to the place he was calling.

The Witness. I would say that I oftentimes called--when I called my wife, I'd call collect.

BY MR. BARON:

Q And you'd call your store and charge it to--.

A I doubt if I would have called my store, but let me qualify that with the exception that I had an answering device and I had a monitor in my pocket that I could push and receive the messages from the store from the recorder, and I may have charged that to the house.

Q Finally, Mr. Dredge, do you have any personal animosity toward Judge Hastings, or personal reason to be hostile to him?

A None whatsoever.

Mr. Baron. I have no further questions.

Senator Specter. Mr. Dredge, when you thought that Mr. Borders was simply boasting about his ability to fix a federal judge, why did you continue to have any conversations with him about it at all?

The Witness. Probably because I thought he was a friend of Joe's. I didn't want to offend Joe and, quite frankly, I didn't see--I really seen absolutely no harm in it. I say harm--harm to me, harm to him or anybody. He

wanted me to look up somebody and find out about him.

Senator Specter. There was harm to him. You were leading him on, saying that you had made contact with people who knew the Romanos when, in fact, you had done nothing.

The Witness. Again, it was of no significance to me, Mr. Specter.

Senator Specter. Well, but why do it? It was of significance to Mr. Borders.

The Witness. Again, I think I answered that when I said because I believed him to be a friend of Nesline's.

Senator Specter. Well, if he was a friend of a friend, why do something to mislead him?

The Witness. I can't answer that. I don't know.

Senator Specter. Okay. You said that you were not introduced to Santos Trafficante as Santos Trafficante, is that correct?

The Witness. Yes, sir.

Senator Specter. Well, how did you know it was Santos Trafficante?

The Witness. I've seen a number of pictures of him, seen him on TV a multitude of times. I may have been in various restaurants that he was in.

Senator Specter. May have been?

The Witness. You're asking me how I know him. I don't know how I know him.

Senator Specter. Well, that's right, I am asking you how you know him. You see a man; he's not introduced as Trafficante. He's introduced as somebody else and you say he's Trafficante, and I don't question whether or not he's Trafficante. I simply want to know how you know he's Trafficante.

The Witness. Because I have seen pictures of him and seen him on TV.

Senator Specter. Did you make a contact--.

The Witness. Counselor just--the question he said to me is how did I know that Trafficante was using a surname or--.

Senator Specter. An alias?

The Witness. An alias other than his own when he was at Joe's. Because he got on the telephone and called the airline at Baltimore-Washington Airport to make a return reservation or to update his return to the Florida area using another name, Joseph something; he certainly wasn't calling for anyone but him.

Senator Specter. Well, when you came into his presence, were you introduced to him?

The Witness. Yes, as Joe whomever.

Senator Specter. The same name he used on the phone?

The Witness. Yes, sir.

Senator Specter. Mr. Dredge, did you make a contact with anybody trying to find out about the Romanos before you were indicted?

The Witness. Yes.

Senator Specter. How long before? What was that sequence?

The Witness. Well, I inquired about the Romanos in March.

Senator Specter. Well, at some period of time, you were telling Mr. Borders that you had been doing things with the Romanos which you had not been doing?

The Witness. Right.

Senator Specter. And what specifically did you tell Mr. Borders you had been doing with the Romanos which you had not been doing?

The Witness. That I was talking to the Romanos telling them that there was this attorney that could do something for them, could straighten their case out with Judge Hastings.

Senator Specter. Did your efforts to do something with the Romanos intensify after your indictment?

The Witness. If they did, it had nothing to do with the indictment. It had to do with Borders calling me and asking me to shove this thing along.

Senator Specter. Well, but did they intensify

after your indictment?

Mr. Spaeder. Does the Senator mean after his indictment or his arrest? I think he's testified that he didn't know the date of his indictment.

Senator Specter. Make it after your arrest.

The Witness. Yes, I believe that it did.

Senator Specter. And why was that? I mean, is it a fact, Mr.--.

The Witness. Because Borders was pushing me to get the Romanos to respond.

Senator Specter. Well, as I hear your testimony, the question arises in my mind as to whether you really became interested in the Romano issue after you were indicted, being concerned about having some leverage on your own plea bargain. And my question to you is did you intensify your efforts after your arrest because you were looking for something that might be of help to you in your plea bargain.

The Witness. No. I did not initiate the calls to Borders. There was nothing that I could do. Borders initiated them to me. Anything that I did was in response to Borders.

Senator Specter. Yes, but there was a period of time when Mr. Borders had been pressing you and you had been stringing him along.

The Witness. That's right. That's because they

was coming up for sentencing, wasn't it? It had nothing to do with me. I didn't call them. They called me--that is, Borders called me.

Senator Specter. Borders called you, yes.

The Witness. And they could not believe that these people weren't ready and willing to deal, and time was getting short for the Romanos. It just happens to be a coincidence. I mean, did I know that I was going to truly get busted? No, I did not.

Senator Specter. But it was after your arrest, as you've already testified, that you intensified your efforts to move forward with the Romano contacts?

The Witness. Only because Border intensified, not because Bill Dredge intensified.

[Pause.]

The Witness. Before you start, Mr. Specter, I would like for you to get one thing straight in your mind, and this board to get one thing straight in its mind. I at no time ever spoke with the Romanos, so it wasn't me intensifying anything. I had no dealings with the Romanos.

Senator Specter. I understand that. You testified very plainly on that.

The Witness. Well, you said did I intensify my dealings with the Romanos.

Senator Specter. I said did you intensify your

efforts on moving for the contacts with the Romanos. I know you didn't deal with the Romanos directly, but in the sequence--and I realize it's hard to pin down the dates. It's been a long time ago, and there have been a lot of questions on that and that's apparent.

But at some stage--and I'm going back over the question in light of your comment now--at some stage, you intensified your efforts to make the contacts with the Romanos, and you said you did intensify your efforts after your arrest.

The Witness. No, I didn't say that I intensified.

Senator Specter. Yes, you did.

The Witness. Well, I said to you that whatever was intensified was done at Borders' direction.

Senator Specter. Yes, yes. Well, it's true that Borders was making the push, and I understand that. But for a time, you were stringing him along, and then at some stage in the proceeding you intensified your efforts to pursue the Romanos, not to talk to them directly because you've never talked to them directly.

And you also testified that you intensified those efforts after you were arrested, and that led me to ask you the question as to whether you were motivated by some leverage on your plea bargain and you've said, no, that was just coincidental.

The Witness. That's true. And, again, I would like to say that I did not intensify anything. Anything that came from me, I was responding to Borders.

Senator Specter. I understand. Mr. Dredge, there was testimony given by a Mr. Jimmy C. Harmon, who had been prior to June of 1984 a special agent with the Bureau of Alcohol, Tobacco and Firearms, and Mr. Harmon testified to the effect that remarks were made by Bill, referring to you, quote, "that he, Bill, wasn't going to let them put him in a position where they were going to run the country because we had been talking about blacks and Spanish people, but when he made the remark that he wasn't going to let them put him in a position to run the country--." Question: "Put who in a position to run the country?" "The blacks." Question: "Did you hear him saying anything more from Mr. Dredge about this federal judge?" Answer: "No. Well, I have talked to him off and on since then."

And in the absence of Mr. Anderson, who might have asked the question, I'm going to ask you if you ever made a comment to Mr. Harmon about not wanting to see the blacks run the country.

The Witness. I seriously doubt it.

Senator Specter. You don't think you ever made a comment to Mr. Harmon about being concerned about the blacks running the country?

The Witness. No, sir.

Senator Specter. Have you ever made a comment to anyone under any circumstance about being concerned about the blacks running the country?

The Witness. I don't believe so, and let me say this to you, Mr. Specter, that I talk to Jim Harmon quite frequently. We never talk about the case. We don't talk about--I have no knowledge of what he's talking about.

Senator Specter. Have you ever made any derogatory remarks about blacks generally to anybody?

The Witness. Yes, I did. As a matter of fact, it was the Leonard-Hearns fight and I had bet on Hearns. As a matter of fact, in the 12th round I had people come over and pay me because they knew that Hearns won, and I said that black bastard dumped me. But it wasn't anything to do racially because they're both black. It was just that I had just lost the monies that--I not only had to give the money back that I had collected; I had to give my own money back.

Senator Specter. Did you ever make any other derogatory comments about blacks?

The Witness. I don't believe so.

Senator Specter. Do you consider yourself biased in any way, however slight, against blacks?

The Witness. I have two nieces that are married to blacks and both have children by them. I'm not--.

Senator Specter. Are you happy about that?

The Witness. It doesn't bother me.

Senator Specter. Then why do you mention it?

The Witness. Well, you're asking me and I'm just trying to show you that I have two nieces that's married to blacks with kids and it doesn't affect me.

Senator Specter. But you're not the nieces. The question is what has that got to do with you. Would you have preferred them not to marry blacks?

The Witness. It wouldn't bother me if they did. It doesn't bother me that they did.

Senator Specter. Well, would you have preferred them not to marry blacks?

The Witness. It's not my preference; it's theirs.

Senator Specter. Well, is there anything else that--aside from what you've testified to, there's no other circumstance where you've ever made a derogatory comment about blacks?

The Witness. I don't think so.

Senator Specter. Hispanics?

The Witness. Maybe the Duran fight.

Senator Specter. How about baseball games?

The Witness. No, and I'm a Redskin fan and that doesn't trouble me either.

[Pause.]

Senator Specter. Mr. Dredge, you had testified that there was a signal given about Mr. Borders' ability to influence, if not control, Judge Hastings by virtue of the continuance. Would you repeat what that circumstance involved?

The Witness. That was supposed to have been Borders calling me and telling me that--or at some previous time I had told Borders that these people didn't believe me, the Romanos. They don't need me; they had someone else. And part of the proof was going to be that the case would be continued with no help from the defense asking for it.

Senator Specter. Was the case continued?

The Witness. According to Borders, it was.

Senator Specter. Was the case continued with no help from the defense asking for it?

The Witness. I have no way of knowing.

Senator Specter. Well, if the defense had asked for it, would that make a significant difference in Borders' representation?

The Witness. If I had known it at the time, yes, it would have, I believe.

Senator Specter. I'm advised that there--.

The Witness. It would have been, as I suspected initially, that it was a pipe dream.

Senator Specter. Do you know at this moment

tell me exactly what we're talking about, short, concise, and that's it. And I've had to tell him that--I've told him that any number of times.

Mr. Baron. I have nothing further.

[Discussion off the record.]

Senator Specter. We have been off the record momentarily while the court reporter took a look for the previous questions on--.

The Witness. Mr. Specter, I do recall the question that was asked me by Mr. Anderson and I may have taken it to mean that if I had ever spoken with Alcee Hastings, and so the answer to that would have been no. If you take that--when I said that I met him, if, to you, that is having conversation, we didn't.

Senator Specter. Well, Mr. Dredge, I would say that if you meet somebody and say hello that you have spoken to him. That's where I take a disagreement, and I wanted to pursue it especially because of Mr. Anderson's absence.

But you have made the comment that you took it to mean--you understood the question to mean something more than simply being introduced. But it's now past one o'clock and we can't carry this proceeding on any further and the record will speak for itself.

The Witness. Okay, fine.

Senator Specter. While the court reporter was

whether or not there was a defense application for the continuance?

The Witness. Do I know it on my own? No, I don't.

Senator Specter. Do you know it in any way?

The Witness. I was told day before yesterday that, in fact, there was a continuance made.

Senator Specter. You mean an application made by the defense lawyer?

The Witness. Yes, yes, by Neal Sonnett, I believe.

Senator Specter. Who told you that?

The Witness. Either Mr. Baron told me or I read it in some book, paper or pamphlet. I was not aware of it until yesterday--or day before yesterday.

[Pause.]

Senator Specter. Did Mr. Nesline ever tell you how he came to know Mr. Borders?

The Witness. No, sir.

Senator Specter. Mr. Dredge, are you under any continuing obligation to the Department of Justice for any reason in connection with a plea agreement or otherwise?

The Witness. No, sir, and haven't been for a considerable length of time.

Senator Specter. Mr. Dredge, I believe that concludes the questions. On behalf of the Committee and the Senate--.

Mr. Baron. May I ask a couple of questions in response to a couple that you asked--just a couple?

Senator Specter. Go ahead.

FURTHER EXAMINATION BY COUNSEL FOR HOUSE MANAGERS

BY MR. BARON:

Q Mr. Dredge, has any of your testimony here today or in any of your dealings with law enforcement agents been motivated or shaped by any racial animosity you have toward Judge Hastings personally or toward black people generally?

A No, sir.

Q You've testified that Borders was cryptic in his--that may be my word, but that he was sometimes difficult to understand in terms of the way he would describe things to you. Could you elaborate on that a little bit so we can understand a little better what you're talking about?

A When he talked, he did not talk straightforward about a given thing. He may waltz around it a while, then come back to it, leave it, give you half of it and go over to something else, talk about something else, come back to that. And you would have to say to him, what are we talking about here; just give it to me short and simple and straight. And then he would.

But in the meantime, he waltzed you around the mulberry bush about a lot of things and about nothing, and tell you--I would say to him, Bill, all that's fine; just

looking for the question, I had a brief, informal conversation with you and your attorney to thank you informally, and I will now thank you formally for the record for coming.

We understand that this is not an easy matter for you, for a great many reasons. We hope that you will honor the subpoena and return. The subpoena has been made returnable for the first day of our public hearings, and we would probably not wish you to appear on that day, if you will appear on some other day, if we can work it out.

That day has been made as a matter of convenience so that if a decision is made that the subpoena is valid--and as I've told you before, I think it will be; that's at least my view. If we have to enforce process to compel your attendance--we hope we don't have to do that.

And as I said to you informally, I think the Committee would be willing to make arrangements so that it not be televised. The proceedings generally are to be televised, but where we have a reason not to have a witness appear before television, I think we can accommodate to that.

I do not know of any rules which require, do they, counsel, that the hearings be public? This deposition certainly is not public. I think we have a fair amount of discretion on that.

But it is important, in my judgment, that all 12 Senators on the Committee have an opportunity to see you in

person and to evaluate you as a witness because that is important factor.

And I think it is important that Mr. Anderson should have an opportunity to question you in a hearing setting as opposed to this setting, so that I would really urge you to honor the subpoena and to come.

And you and I have a little discussion about the government not having fulfilled its obligations to you. You have reason to distrust the government, and I said you don't have any reason to distrust me and you agreed to that personally.

But I think if arrangements are made with counsel to the Committee to appear perhaps in this room or in a room where there is no television--we will work out the details and make the representations--I think you can rely upon the Committee and on counsel for fulfilling every obligation.

Mr. Spaeder. We understand the Senator's concerns and position, and I'll consult with Mr. Dredge about it. He's here in the spirit of cooperativeness and we'll make our best efforts to see if something can be worked out.

Senator Specter. Mr. Spaeder, do you have Mr. Dredge's address? Do you know how to get in touch with him?

Mr. Spaeder. I do not.

Senator Specter. You do not know how to get in touch with him.

Mr. Dredge, would you be willing to, on a confidential basis, tell the counsel for the Committee your address and phone number?

The Witness. No, I won't.

Senator Specter. Contacts are made to you through the FBI?

The Witness. Solely.

Mr. Spaeder. That was a procedure, I might add, that was approved and established by Chief Judge Kaufman in the United States District Court for the District of Maryland because it was his determination, supported by the special agent in charge of the Miami field office of the FBI and the United States Probation Service, that no other procedure could reasonably assure Mr. Dredge's safety.

Senator Specter. Well, all right. I know that there has been a significant inquiry into that subject. I asked the question as to where you live and how we might contact you so that we might do it directly, but that has already been determined. The FBI knows, so we will leave it on the current state of the record that we hope you will honor the subpoena and appear.

And whatever concerns you have as to your identity being not compromised or your whereabouts not being compromised, we will honor. And if this arrangement was satisfactory to you with one Senator, I think we can duplicate

it for 12 Senators and have the same kind of a setting.

Do you see any reason why not?

Mr. Davidson. No, I do not see any reason why the Committee could, for a single witness, for good cause, not have that televised and simply communicate for that single witness to the Senate on the written record.

Senator Specter. Well, you have already shown your good faith, Mr. Dredge, in coming forward and appearing at this proceeding. We hope you'll do it again.

Thank you very much.

[Whereupon, at 1:07 p.m., the taking of the deposition was concluded.]

- RESPONDENT'S EXHIBIT #5 -

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA :

v. : CRIMINAL NO. K-81-0209

WILLIAM C. DREDGE :

ooOoo

STATEMENT OF FACTS

The United States of America, by its attorneys, J. Frederi Motz, United States Attorney for the District of Maryland, and Steven M Allen, Assistant United States Attorney for said District, and Willia C. Dredge, Defendant, and Roger C. Spaeder, Esquire, his attorney, agr that the following are the facts which the government would prove, h this case gone to trial.

On or about December 19, 1979, Morris Edwin Anglin, Jr. ("Angli escaped from the Maryland House of Correction, Jessup, Maryland. Aft escaping from the House of Correction, Anglin eventually went to th home of Harry Nadolski ("Nadolski") which was located on East Lombar Street in Baltimore, Maryland. In early January, 1980, Anglin travelle to Fort Myers, Florida. Thereafter, Anglin went to the Miami area an met with William C. Dredge ("Dredge"), an old friend of Anglin's. A the time Anglin met with Dredge, Anglin did not tell Dredge that he, Anglin, was an escapee from the Maryland House of Correction for th reason that if he told Dredge that he was an escapee from prison, Dredg would have had nothing to do with him.

During the meetings between Anglin and Dredge in early January, 1980, Dredge and Anglin discussed Anglin's becoming involved in th trafficking of methaqualone ("quaaludes"). In early January, 1980, Dredge gave Anglin 3,000 quaalude pills on consignment. Dredge an Anglin agreed that Anglin would bring the pills to Maryland, distribut them and then pay Dredge for the pills. The agreement between Dredg and Anglin was that Anglin would pay Dredge $1.30 per quaalude tablet.

Anglin returned to Maryland with the 3,000 qualudes which h obtained from Dredge, and took the pills to the home of Harry Nadolski. At Nadolski's home the quaaludes were repackaged into 100-pill packages.

United States District Court
EVIDENTIARY HEARINGS
RESPONDENT'S EXHIBIT 5

IC 321
GOVERNMENT'S EXHIBIT NO. 2
CASE NO. K-81-0209
IDENTIFICATION:
ADMITTED: OCT 9 1981

The pills were thereafter given to Harry Nelson Corbin, Jr. ("Corbin") and Janice Ruggiero ("Ruggiero"; for distribution by Corbin and Ruggiero in Baltimore. Corbin and Ruggiero distributed the pills, returned the proceeds of the distributions to Anglin and thereafter Anglin travelled to Florida and paid Dredge for the 3,000 pills.

In late January, 1980, Anglin, Corbin, Ruggiero and Diane Clark ("Clark") travelled to Florida by way of automobile. The purpose of the trip was for Anglin to introduce Corbin to Dredge in order to set up a relationship between Dredge and Corbin for the distribution of methaqualone. In Florida, Corbin and Anglin met with Dredge and on February 6, 1980, Corbin obtained from Dredge 4,700 qualudes on consignment. The understanding was that Corbin would take the quaaludes to Maryland and with the assistance of Ruggiero, distribute them in Maryland and then pay Dredge for the pills. On February 6, 1980, the day on which Corbin received the quaaludes from Dredge, Corbin and Ruggiero flew from Florida to Baltimore with the pills. At the Baltimore/Washington International Airport, Corbin and Ruggiero were arrested and the 4,700 quaaludes were seized by federal authorities.

In late February, 1980, Anglin obtained from Dredge in Florida approximately 2,000 quaaludes on consignment. Thereafter, Anglin took the quaaludes to the home of Harry Nadolski in Maryland, repackaged the quaaludes into 100-pill bags and gave them to Corbin and Ruggiero for distribution in the Baltimore Metropolitan area. Corbin and Ruggiero distributed the quaaludes in Baltimore and returned the monies from the distribution to Anglin. Anglin thereafter travelled back to Florida and paid Dredge some of the money owed to him for the quaaludes.

On March 30, 1980, Harry Nelson Corbin, Jr. was arrested by federal authorities for the events of February 6, 1980. Thereafter, on April 3, 1980, Albert Paul Benton and Harry Nadolski travelled to Florida for the purpose of meeting with William C. Dredge and continuing the distribution of quaaludes by Dredge to the Anglin/Corbin/Nadolski group. The meeting with Dredge lasted approximately two hours at Dredge's place of business, Bill's Place, 12320 West Dixie Highway,

North Miami, Florida. Immediately after the meeting with Dredge, Nadolski and Benton returned to Maryland.

On or about April 28, 1980, May 9, 1980, May 17, 1980 and May 29, 1980, Albert Paul Benton obtained from William C. Dredge in Florida approximately 4,000, 5,000, 4,000 and 5,000 methaqualone tablets, respectively. In each instance, Benton took the tablets which he received from Dredge in Florida to Baltimore where the pills were subsequently distributed. Dredge was paid approximately $1.30 for each of the pills by Benton and Nadolski after distribution in Baltimore.

On or about May 6 and May 14, 1980, Benton and Nadolski through the use of the Federal Express Service sent money to Dredge, representing proceeds from the sale in Baltimore of quaaludes obtained from Dredge in Florida. On or about May 30, 1980, Charles J. Hogan, at Dredge's direction, met with Albert Paul Benton in Baltimore for the purpose of obtaining from Benton monies owed to Dredge by Benton and Nadolski for quaaludes previously distributed by Dredge.

The government's evidence would include the testimony of Morris Edwin Anglin, Jr. and Albert Paul Benton who would identify William C. Dredge as the person from whom they obtained methaqualone. The government's evidence would also consist of telephone bills, tickets and other items which would corroborate the testimony of Anglin and Benton. Additional government witnesses would include Vera McIe who travelled with Paul Benton to Florida on or about May 28, 1980 and Janice Ruggiero who travelled with Corbin and Anglin to Florida in late January, 1980.

Respectfully submitted,

J. Frederick Motz
United States Attorney

Date: 10-9-81

By: _____
Steven A. Allen
Assistant U. S. Attorney
United States Courthouse
Baltimore, Maryland 21201

Date: 10-9-81

William C. Dredge
Defendant

Date: 10/9/81

Roger C. Spaeder, Esquire
Counsel for Defendant

I hereby attest and certify on _____ that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

JOSEPH A. HAAS
CLERK, U. S. DISTRICT COURT
DISTRICT OF MARYLAND

By _____ Deputy

JUDGE: KAUFMAN REPORTER: ELGIN

UNITED STATES OF AMERICA CRIMINAL NO. K-81-0209

VS NUMBER OF COUNTS: 7

WILLIAM C. DREDGE AGE OF DEFENDANT: 53

DEFENDANT NO. 1 DATE OF BIRTH: 12-27-27

__ARRAIGNMENT X REARRAIGNMENT __SENTENCING __PROBATION VIOLATION

ATTORNEY FOR DEFENDANT (WAIVED) ~~Dwight Pettit~~ (Ret.) ROGER SPAEDER

ATTORNEY FOR UNITED STATES: Steve Allen

__CRIMINAL INFORMATION AND WAIVER FILED.

3/12/81 DEFENDANT ARRAIGNED AND PLEAD "NOT GUILTY" AS TO ALL COUNTS. 1 thru 5 incl. 7 &

DEFENDANT ARRAIGNED (REARRAIGNED) AND PLEAD "GUILTY" AS TO COUNTS NOS. 1 (ONE)

AND "NOT GUILTY" AS TO COUNT NOS. 2,3,4,5,7 & 8

WHICH WAS ACCEPTED BY THE COURT

DEFENDANT ARRAIGNED AND TENDERED A PLEA OF "NOLO CONTENDERE" AS TO COUNT NO.

AND "NOT GUILTY" AS TO COUNT NOS.

WHICH "WAS" "WAS NOT" ACCEPTED BY THE COURT.

JUDGMENT:

EXECUTION OF SERVICE OF SENTENCE IS SUSPENDED UNTIL:

(DISPOSITION) (SERVICE) OF SENTENCE IS SUSPENDED AND DEFENDANT IS PLACED ON

PROBATION FOR THE PERIOD OF YEARS, PURSUANT TO TITLE 18, USC §

UPON THE USUAL CONDITIONS OF PROBATION AND THE FOLLOWING SPECIAL CONDITIONS, VIZ:

BOND

SENTENCING DATE: TUESDAY, DECEMBER 8, 1981 AT 9:00 A.M.

"NOLLE PROSEQUI" ENTERED BY UNITED STATES ATTORNEY IN OPEN COURT AS TO EACH OF COUNT

NOS. WHICH WAS ACCEPTED BY THE COURT.

DEFENDANT DOES DOES NOT INTI

__DEFENDANT ADVISED OF RIGHT TO APPEAL. TO FILE A NOTICE OF APPEAL.

X DISPOSITION OF SENTENCE SUSPENDED PENDING PRESENTENCE INVESTIGATION.

__DAYS FOR MOTIONS. NOTICE IS TO BE FILED BY:

__ORDER SIGNED SETTING BAIL. X DEFENDANT CONTINUED ON PERSONAL RECOGNIZANCE BAIL.

PRETRIAL DATE ASSIGNED FOR:

TRIAL DATE ASSIGNED FOR (WEEK OF)

__DAYS FOR TRIAL __JURY TRIAL DEMANDED.

DEPUTY CLERK

IC 32D

2-3-82 207 WM

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D. C. 20537

Use of the following FBI record, NUMBER 3 720 712, is REGULATED BY LAW. It is furnished FOR OFFICIAL USE ONLY and should ONLY BE USED FOR PURPOSE REQUESTED. When further explanation of arrest charge or disposition is needed, communicate directly with the agency that contributed the fingerprints.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
SPol Pikesville MD	William Carey Dredge SPol Benson MD D-1359	11-13-43	auto larc	TOT Balto MD
PD Balto MD	William C Dredge 59781	11-14-43	larc auto	11-19-43 PG sent susp & rel
National Training School for Boys Wash DC	William Cary Dredge 12145	3-18-44	juvenile delinquency	4 yrs 9 mos 6 das 8-3-45 disch DC par Reg Juv
Army	William Cary Dredge 13 207 706	11-27-45		
PD New Brunswick NJ	William C Dredge 3817	3-26-48	larc of auto	
Prosecutors Off New Brunswick NJ	William C Dredge 6509	3-26-48	larc auto	4-1-48 TOT Army Auth at Camp Kilmer 4-1-48 dism in Recorders Court
PD Perth Amboy NJ	William C Dredge 7119	4-5-48	larc of veh	
Prosecutor's Off New Brunswick NJ	Wm C Dredge 6509	4-5-48	larc auto	returned to Camp Kilmer for AWOL

05180

RESPONDENT'S EXHIBIT #6

2-3-82 207 WM

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D. C. 20537

2

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
PD Wash DC	William Cary Dredge 119471	12-31-49	GL	
DC Jail Wash DC	William C Dredge 83331	1-2-50	larc	B-$300 FH
DC Jail Wash DC	William Dredge 83331	1-16-51	T22 Sec 1801 & 502 DCC	B-$3000 MC FH
USM Wash DC	William Cary Dredge USC L 3445-46	1-16-51	S 1801 T22 LCC	
Prince Georges Co PD Seat Pleasant MD	William Carey Dredge 7177	10-5-54	armed rob	April 1955 stet on chg of armed rob 2 cts
DC Jail Wash DC	William C Dredge 83331	11-30-54	HB & GL	B $2500 FH 12-13-54 case dism
USM Wash DC	William C Dredge USCL 9130	11-30-54	1801-2201 T22 DCC	

05181

2-3-82 207 WM

3

FEDERAL BUREAU OF INVESTIGATION
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WASHINGTON, D.C. 20537

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
USM Denver CO	William Cary Dredge 4126	3-7-55	interstate trans forged cks	3-14-55 removed to Washington DC for prosecution
DC Jail Wash DC	William C Dredge 83331	3-15-55	conspiracy	trant to Atlanta 6-27-56 (on chg of consp forg & utter)
USM Wash DC	William Cary Dredge GJ 350-55	3-15-55	371 T18 USC	20 mos to 5 yrs
USP Atlanta GA	William C Dredge 77522	6-30-56	transporting false securities interstate & conspiracy	1 yr 8 mos to 5 yrs
PD Atlanta GA	William Cary Dredge 189256	2-15-59	Foreign (Maryland)	rel to Maryland St Auth 2-22-59 (on chg of Foreign Prisoner (Marlboro MD)
US Secret Service Wash DC	William Cary Dredge J-15-C0-2306-1	10-19-64	Title 18 USC Sec 474 Poss of counterfeit notes	Federal Dist Court Balto MD for the convenience of the government case dism 7-9-65

05182

2-3-82 207 WM

4

FEDERAL BUREAU OF INVESTIGATION
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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Public Safety Dept Miami FL	William Cary Dredge 105352	4-21-67	1-PL 2-5 cts worthless checks over	
PD Miramar FL	William C Dredge 1316-1315-1317	10-25-70	drunkness DC A & B on police officer	
Public Safety Dept Miami Fla	William Cary Dredge 105352	7-18-73	1. BRCSP 2. Fraud use credit card	6/24/74-2 cts BRC Stolen Property & 1 ct. Fraudulent use of Credit Card all dism w/o prejudice
PD Miami Bch FL	William Dredge A-15432 SID 870749	8-7-74	armed rob	
DPS Miami FL	William Dredge 105352 SID 870 749	8-7-74	armed robbery	
USM Balto MD	William Dredge	6-12-81	conspiracy/sale qualuades	

05183

2-3-82 207 WM

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
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5

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
DEA Miami FL	William C Dredge GC-80-0033	5-10-81	consp/intent to dist. Methaqualone	

05184

2-3-82 207 WM

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D. C. 20537

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION

CC: DEA Headquarters
Wash DC

CC: U.S. Probation Office
P.O. Box 012559
Flagler Station
Miami FL 33101

05185

2-3-82 207 WK

FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D. C. 20537

1-BU

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	FLASH BY BUREAU: William Cary Dredge aka Billy D, Al	Langley BFD Miami	If any info or inf rec 10-4-73.	

THIS PAGE SHOULD NOT BE DISSEMINATED OUTSIDE FBI

05186

2-3-82 207 WM

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D. C. 20537

2 BU

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	"Additional information has been added currently to record".			

CC: FBI
Miami

THIS PAGE SHOULD NOT BE DISSEMINATED OUTSIDE FBI

05187

RESPONDENT'S EXHIBIT #7

NEAL R. SONNETT
Twenty-Sixth Floor
One Biscayne Tower
Two South Biscayne Boulevard
Miami, Florida 33131-1802
Telephone (305) 358-2000
Telefax (305) 358-1233

PROFESSIONAL EXPERIENCE

SONNETT SALE & KUEHNE, P.A., Miami, Florida.
May 1987 to Present. A founder and senior partner of six attorney law firm engaged in the practice of federal and state criminal law at the grand jury, pretrial, trial, appellate and post-conviction stages, with emphasis on corporate, white collar and complex crimes litigation.

BIERMAN, SONNETT, SHOHAT & SALE, P.A., Miami, Florida.
October 1972 to May 1987. A founder and senior partner of ten attorney law firm engaged in the practice of federal and state criminal law and immigration and naturalization law.

UNITED STATES ATTORNEY, SOUTHERN DISTRICT OF FLORIDA, Miami, Florida. 1967 to 1972. Assistant United States Attorney and Chief of the Criminal Division. As Chief, in charge of all federal criminal prosecutions for twelve county area from Vero Beach to Key West, Florida's most populous region, and one of largest U.S. Attorney's offices in the United States. Also served as Special Assistant United States Attorney for the Northern District of Florida (1969) and the District of Puerto Rico (1969).

BAR AND COURT ADMISSIONS

Admitted to the Florida Bar (1967).
Admitted to practice before:
Supreme Court of Florida (1967);
Supreme Court of the United States (1971);
United States Court of Appeals, Fifth Circuit (1974);
United States Court of Appeals, Ninth Circuit (1982);
United States Court of Appeals, Eleventh Circuit (1981);
Lawyer Representative to Eleventh Circuit Judicial Conference, 1984;
United States District Court, S. D. Fla. (1967); Trial Bar (1982);
United States District Court, E. D. Mich. (1984).

PROFESSIONAL ASSOCIATIONS

American Bar Association
- Member, House of Delegates, 1987-Present.
- Member, Executive Council, Section of Criminal Justice, 1987-Present.
- Member, Executive Council, National Conference of Bar Presidents, 1987-Present.
- President, National Caucus of Metropolitan Bar Leaders, 1985-1986; Executive Committee, 1983-1984 (an independent voluntary organization comprised of the top Officers and Executive Directors of all metropolitan area bar associations with membership over 2,000; 47 member associations representing over 150,000 lawyers).
- Member, The Fellows of The American Bar Foundation.
- Member, Nominating Committee, National Conference of Bar Presidents, 1986.
- Chair, Ad Hoc Committee on Bail Reform Act, Section of Criminal Justice, 1986-Present.
- Vice-Chair, Defense Function Committee, Section of Criminal Justice, 1986-1987.
- Vice-Chair, Publications Committee, Section of Criminal Justice 1985-1987.
- Chair, Criminal Justice Committee, Section of Individual Rights and Responsibilities, 1986-Present.
- Member, National Conference of Bar Presidents; Sections of Criminal Justice, Litigation, Individual Rights & Responsibilities, Administrative Law, Economics of Law Practice.

National Association of Criminal Defense Lawyers
- President-Elect, 1988-1989.
- First Vice-President, 1987-1988.
- Second Vice-President, 1986-1987.
- Third Vice-President, 1985-1986.
- National Board of Directors, 1977-1983; 1983-1985.
- NACDL Representative, ABA-NACDL Joint Liaison Committee to the Department of Justice, 1986-Present.
- Chairperson, Legislative Affairs Committee, 1985-Present.
- Chairperson, Special Committee on Government Misconduct Oversight, 1984-1985.
- Life Member.

Florida Criminal Defense Attorneys Association
- President, 1984-1985.
- Treasurer, 1983-1984.

Dade County Bar Association
- Delegate to ABA House of Delegates, 1987-Present.
- President, 1983-1984.
- Vice-President, 1981-1983.
- Secretary, 1980-1981.
- Director, 1971, 1975-1978.
- Founder and Chairperson, Haitian Refugee Volunteer Lawyer Task Force, 1980-1983.

Federal Bar Association
National Director, Council on Younger Lawyers, 1970-1971.
President, South Florida Chapter, 1971-1972.
Vice-President, South Florida Chapter, 1968-1971.
Director, South Florida Chapter, 1973-Present.
American Immigration Lawyers Association
Member, National Board of Governors, 1975-1977.
President, South Florida Chapter, 1976-1977.
First Vice-President, 1975-1976.
The Florida Bar
Member, Voluntary Bar Liaison Committee, 1986-Present.
Member, Federal Practice Committee, 1985-Present.
Member, Special Study Committee on Model Rules of Professional Conduct, 1982-1984.
Member, Florida Council of Bar Presidents, 1982-Present.
Member, Membership Committee, 1984.
Chairman, Criminal Law Section Public Relations. Committee, 1980-1981.
Member, Public and Media Relations Committee, 1980.
Member, Corrections Committee, 1978-1981.
Member, Youth and The Law Committee, 1978-1980.
Special Bar Counsel for Grievance Proceedings.
National Network For The Right To Counsel
Member, National Board of Directors, 1986-Present.
Phi Alpha Delta Law Fraternity
President, South Florida Alumni Association, 1973-1974.
American Judicature Society
The Association of Trial Lawyers of America
Florida Association For Women Lawyers
Academy of Florida Trial Lawyers
Dade County Trial Lawyers Association
California Attorneys for Criminal Justice
Inter-American Bar Association
National District Attorneys Association (Associate Member)
American Arbitration Association
National Criminal Justice Association

MAJOR PROFESSIONAL LISTINGS

100 Most Powerful Lawyers in America, "Profiles In Power", The National Law Journal, May 2, 1988.
Martindale-Hubbell: AV rating.
Who's
0 Who In American Law, 3d ed. 1983; 4th ed. 1985; 5th ed. 1987; Criminal Law.
The Best Lawyers In America. lst ed. 1983; 2d ed. 1987 (Criminal Defense).

Who's Who In The South, 1975-1976. Who's Who In Florida, 1973-1974.

TEACHING POSITIONS

Adjunct Professor of Criminal Law (Advanced Federal Criminal Practice), University of Miami School of Law, 1983-1988.

Lecturer in Law, Immigration and Nationality, University of Miami School of Law, 1976-1982.

Guest Lecturer, Drug Enforcement Administration, Federal Law Enforcement Training Center, 1983.

RECENT MAJOR CONTINUING LEGAL EDUCATION SEMINAR LECTURES

American Bar Association:

Recent Decisions of the Supreme Court (Fourth Amendment), Annual Meeting Program, Toronto, Canada, August, 1988.

Mega Trials, Mega Lawyers, Mega Bucks, Criminal Justice Section Program, Seattle, Wa., November, 1987.

Ethical Problems in Criminal Law, Annual Meeting Program, San Francisco, Ca., August 1987.

Legal Fees in Criminal Cases: Traps For The Unwary, Annual Meeting Program, San Francisco, Ca., August, 1987.

Presidents and Executive Directors: Making the Relationships Work, ABA Bar Leadership Institute, Chicago, Ill., March, 1987.

Attorneys on Trial, ABA National Institute on White Collar Crime, Hollywood, Fla., January 1987.

Legal Fees in Criminal Cases, Criminal Justice Section CLE Program, Key Biscayne, Fla., November 1986.

Professional Development, National Association of Bar Executives Annual Meeting, New York, N.Y., August 1986.

Calling Lawyers Before The Grand Jury to Reveal Client Confidences, Annual Meeting Presidential Showcase Program, Washington, D.C., July 1985.

National Association of Criminal Defense Lawyers:

Computers For The Criminal Defense Lawyer, Annual Meeting Seminar, Boston Mass., August, 1988.

Superstar Roundup, "Problems in Lawyering", Spring Meeting Seminar, Austin, Texas, May, 1988.

The Art of Formulating Questions: Preparation of Witnesses, Annual Meeting Seminar, Monterey, Ca., August 1986.

Persuasive Closing Arguments, Spring Meeting Seminar, Orlando, Fla., May 1986.

Immigration Problems in Criminal Law, Annual Meeting Seminar, Kiawah Island, S.C., August 1984.

Florida Sentencing Guidelines, Mid-Year Meeting Seminar, Ft. Lauderdale, Fla., February, 1984.

Advocacy in Sentencing, Mid-Year Meeting Seminar, Ft. Lauderdale, Fla., February 1984.

Florida Bar:
Dealing With The New Money Laundering Statute, 1988.
Lawyers on Trial: Emerging Issues In Narcotics Cases, 1987.
Ethics Symposium: Criminal Law, 1986.
Federal Grand Jury Practice Seminar, 1985.
Suppressing Illegally Seized Evidence, Advanced Criminal Procedure Seminar, 1982.

Minnesota State Bar Association:
Keynote Luncheon Speaker, Annual Meeting, Duluth, Minn., June, 1988.

Alabama Criminal Defense Lawyers Association:
Keynote Speaker, Annual Summer Seminar, Birmingham, Ala., August 1986.

Colorado Bar Association:
Speaker, Criminal Law Symposium, Annual Convention, Colorado Springs, Colo., 1985.

Louisiana State Bar Association:
Speaker, Criminal Law Seminar, Baton Rouge, La., December 1986.

Louisiana Association of Criminal Defense Lawyers:
Speaker, Annual Awards Banquet, Baton Rouge, La., December 1986.

International Association for Civilian Oversight of Law Enforcement:
Speaker, Annual Convention, Miami Beach, Fla., December 1986.

MAJOR CIVIC ACTIVITIES AND ASSOCIATIONS

Member, Florida Task Force On Drug Abuse And Dropout Prevention, 1986-1987 (Appointed by Florida Governor and Cabinet).

Metropolitan Dade County Independent Review Panel
Appointed by Dade County Commission, 1980;
Chairperson, 1981-1984. The IRP is an independent civilian watchdog panel created by law to investigate serious complaints against county agencies and employees, including the police.

Metro-Miami Action Plan (MMAP)
Member, Criminal Justice Sensitivity Subcommittee, 1984-Present.

Founder and Chairperson, Dade County Community Task Force on Jury Selection, 1984.

Metro-Miami Crime Symposium (MMCS)
Participant, Courts/Career Criminals Workshop, 1986.

Metropolitan Dade County Youth Relations Board
Founding Member, 1970-1971.

Anti-Defamation League of B'nai B'rith
Member, Florida Region Executive Committee, 1984-Present.
Florida Regional Director, 1972-1973; 1982-1984.
Member, ADL Law Committee, 1983-Present.

University of Miami
Member, Society of University Founders, 1986-Present.
President, Law Alumni Association, 1979-1980.

Vice-President, General Alumni Association, 1982-1985.
Vice-President, Debate Alumni Association, 1983-Present.
Steering Committee, Law School Building Fund Campaign, 1988-Present.
Member, Major Gifts Committee, 1986-Present.
Member, Endowment Committee, 1979-Present.

Transition, Inc.
President, 1976-1977; Advisory Board, 1977-Present. (Transition, Inc., is a non-profit ex-offender rehabilitation organization.)
Fraternal Order of Police Associates, Metro Dade Lodge No.6 President, 1971-1972.
Member, National Finance Council, Democratic National Committee.
Member, United States Senate Democratic Roundtable.

Florida Jaycees
Legal Counsel, 1971-1972.
President, Greater Miami Jaycees, 1970-1971.

Young Democratic Clubs of Florida
State Vice-President, 1964-1965.
Director, Dade County Young Democratic Club, 1960-67, 1973.

Dade Better Government League
Vice-President, 1973-1974.

American Legion, Harvey W. Seeds Post No. 29

B. P. O. E. (Elks), Miami Beach Lodge No. 1601

North Shore Optimist Club of Miami Beach

Zoological Society of Florida

South Florida Historical Society

Dade County Center for the Fine Arts

MAJOR HONORS AND AWARDS

The Thomas Davison, III Service Award, 1987, from the University of Miami Law Alumni Association, "In Recognition of Extraordinary Service and Dedication" to the University of Miami School of Law.

Special Service Award, 1984, from Metropolitan Dade County Commission for outstanding contribution to the community as Chairperson of the Independent Review Panel.

1984 Homecoming Luncheon Honoree, University of Miami Department of Communication.

Special Appreciation Award, 1984, from the Greater Miami Jewish Federation.

Special Award of Honor, 1983, from the Dade County Public Interest Law Bank, for outstanding pro bono service.

Nominated for Florida Bar Foundation Medal of Honor, 1983.

Nominated for Florida Regional Emmy Award, 1980, for excellence as co-host of weekly television discussion program, "To The Point", WCIX-TV, Miami, Florida.

Federal Employee of the Year, 1971-1972. Named by the South Florida Federal Executive Board from over 12,000 Federal Employees in South Florida.

Five Outstanding Young Men of Florida, 1971-1972. Named by the Florida Jaycees.

Outstanding Young Man of Miami, 1970. Selected by the Greater Miami Jaycees.
Prosecutor of the Year, 1971. Named by the Florida Criminal Defense Attorneys Association.
Outstanding Young Law Enforcement Officer, 1971-1972. Chosen by the South Miami-Kendall Jaycees.
Special Appreciation Award, 1972, from The Florida Bar, for "Dedicated Leadership to Local Bar Associations."
Special Public Service Award, 1972, from the Jewish War Veterans of the United States of America.

EDUCATION

University of Miami School of Law, Miami, Florida.
J.D. Degree June, 1967; Dean's List.
Captain, National Moot Court Team.
Florida State and Southern United States Moot Court Champion.
President, Phi Alpha Delta Law Fraternity.
President, Bar & Gavel Legal Society.

University of Miami, Miami, Florida.
Bachelor of Arts Degree, June, 1964.
Four-year full tuition scholarship.
Captain, Varsity Debate Team; Fourth ranked college debater in the United States, 1962.
President: College of Arts & Sciences; U.M. Senior Class; University College; TKA National Speech Honorary.
Attorney General, U.M. Student Body.
Member, Omicron Delta Kappa, Iron Arrow, Orange Key Leadership Honorary Societies.

Miami Beach High School, Miami Beach, Florida.
Graduated in June, 1960.
Florida High School Champion in Debate and Original Oratory.
Winner of State and National Oratory Contests sponsored by Optimist International, Exchange and Knights of Pythias Clubs; received more than $2,000 in scholarship prizes.
Vice-President, Intergroup Youth Council, South Fla. N.C.C.J.
Vice-President, South Fla. B'nai B'rith Youth Organization.
President: Sophomore Class; Octagon Jr. Optimist Club.
Officer: National Forensic League; National Thespian Society.

PERSONAL AND FAMILY

Born in Brooklyn, New York, November 29, 1942.
Married to Pat Sonnett; one son, Gary, age 20.
United States Army Reserve, Honorable Discharge.

FBI (Rev. 5-22-78)

10 cc
909414

FBI

TRANSMIT VIA:	PRECEDENCE:	CLASSIFICATION:
[X] Teletype	[ ] Immediate	[ ] TOP SECRET
[ ] Facsimile	[ ] Priority	[ ] SECRET
[ ] _____	[X] Routine	[ ] CONFIDENTIAL
		[ ] UNCLAS E F T O
		[X] UNCLAS

Date AUGUST 24, 1981

FM MIAMI (58-623) (OC-2) P

TO DIRECTOR ROUTINE 1038 P

ATTENTION SEAN HILLY, CID

WASHINGTON FIELD (58-1899) (SQ C-6) ROUTINE

ATTENTION SA BOB FOSTER

BT

UNCLAS APPLE 6/5

CHANGED - ~~SUNBURN~~; BRIBERY; OO:MIAMI.

RE MIAMI TELETYPE TO DIRECTOR AND WFO, AUGUST 24, 1981, AND MIAMI TELCALL TO BUREAU, AUGUST 24, 1981.

APPLE 6/5

TITLE MARKED CHANGED TO REFLECT CODE NAME "~~SUNBURN~~". TITLE PREVIOUSLY CARRIED AS "SANTO TRAFFICANTE; WILLIAM BORDERS; USDC JUDGE ALCEE HASTINGS; WILLIAM C. DREDGE; BRIBERY; OO:MIAMI."

PER REFERENCED TELEPHONE CALL, BUREAU APPROVAL RECEIVED TO UTILIZE CODE NAME "~~SUNBURN~~" IN CAPTIONED MATTER.

APPLE 6/5

BT

1 - 58-623 (ALCEE HASTINGS)
WJM: jgm
(1)
RESPONDENT'S EXHIBIT 8

Director
Inspection
Investigation
FBI

W. J. Murphy/WJM

Approved: JVC/WJM Transmitted 002 (Number) 1038 P (Time) Per bjc

58-623-18

FD-36 (Rev. 5-22-78)

FBI

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FM MIAMI (58-623) (OC-2) P

TO DIRECTOR IMMEDIATE

ATTN: SEAN HILLY, CID.

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SECTION 1 OF 2.

APPLE EYE; BRIBERY; 00: MIAMI.

RE MIAMI TELETYPE TO BUREAU, AUGUST 26, 1981.

ADMINISTRATIVE:

MATERIAL IN THIS TELETYPE IS CONSIDERED ADMINISTRATIVE AND SHOULD NOT BE DISSEMINATED.

EVIDENCE:

TO DATE EVIDENCE GATHERED IN CAPTIONED MATTER HAS BEEN GENERATED BY TWO METHODS:

1. INFORMATION SUPPLIED BY WILLIAM DREDGE REGARDING THE INITIAL ALLEGATION THAT USDC JUDGE ALCEE HASTINGS IS TO RECEIVE A MILLION DOLLAR CASH BRIBE FROM SANTO TRAFFICANTE THROUGH THE INTERCESSION OF ATTORNEY, WILLIAM BORDERS, JR.

RESPONDENT'S EXHIBIT #9
United States Senate
EVIDENTIARY HEARINGS
RESPONDENT'S EXHIBIT 9

W. J. Murphy

(1) Miami
WJM:klj
(1)

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58-623-20

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DREDGE HAS ALSO SUPPLIED INFORMATION THAT JUDGE HASTINGS HAS ATTEMPTED TO SOLICIT A $150,000 CASH BRIBE FROM FRANK AND THOMAS ROMANO, AGAIN, THROUGH BORDERS, TO FIX THE SENTENCES OF THE ROMANO BROTHERS WHO WERE CONVICTED AND SUBSEQUENTLY SENTENCED BEFORE JUDGE HASTINGS. DREDGE HAS ADVISED THAT HE WAS REQUESTED BY BORDERS TO "CHECK OUT" THE ROMANO BROTHERS AND DETERMINE IF THEY COULD BE DEALT WITH AND IF THEY WOULD AGREE TO THE DEAL. DREDGE ADVISED THAT HE NEVER CONTACTED THE ROMANO BROTHERS BUT THAT HE REPORTED TO BORDERS THAT HE DID AND THAT HE REPORTED FIRST THAT THEY ALREADY HAD A DEAL AND THEN AT A LATER TIME THAT THEY DID NOT HAVE THE MONEY. DREDGE ADVISED THAT AFTER THE FIRST REPORT THAT BORDERS TOLD HIM THAT THE JUDGE SAID, "THEY ARE CRAZY IF THEY THINK THAT THEY HAVE A DEAL, I'M THE ONLY ONE THAT THEY COULD DEAL WITH AND THEY DON'T HAVE A DEAL".

2. DREDGE VOLUNTARILY ADVISED THAT BORDERS WAS COMING TO THE MIAMI, FLORIDA, AREA ON TWO OCCASIONS TO MEET WITH TRAFFICANTE AND/OR JUDGE HASTINGS.

THE FIRST MEETING BETWEEN BORDERS AND TRAFFICANTE OCCURRED ON JULY 21, 1981, IN MIAMI AND WAS DOCUMENTED BY THE MIAMI

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DIVISION. THIS MEETING CAN DEFINITELY BE DESCRIBED AS CLANDESTINE.

THE SECOND MEETING BETWEEN THESE SAME TWO INDIVIDUALS OCCURRED ON AUGUST 21, 1981, IN MIAMI AND CAN BE DESCRIBED AS MORE CLANDESTINE THAN THE FIRST MEETING. THIS MEETING WAS ALSO DOCUMENTED BY THE MIAMI DIVISION.

IT IS NOTED THAT SUBPOENAS HAVE BEEN ISSUED FOR TELEPHONE TOLL RECORDS FOR TRAFFICANTE, BORDERS AND DREDGE, THE RESULTS OF WHICH ARE NOT YET AVAILABLE. IT IS ANTICIPATED THAT THE JUDGE'S TOLL RECORDS WILL BE SUBPOENAED IN THE FUTURE.

RE: WILLIAM DREDGE'S INFORMATION.

INITIALLY, WHEN DREDGE CAME FORWARD WITH HIS INFORMATION, HE WANTED AN 8 FELONY COUNT INDICTMENT, INVOLVING NARCOTICS TRAFFICKING, CURRENTLY PENDING IN BALTIMORE, MARYLAND, (DEA CASE) DISMISSED. IN THE FIRST INTERVIEW WITH DREDGE (4 HOURS), HE AGREED TO RECORD CONVERSATIONS WITH BORDERS RELATING TO THE ROMANO BROTHERS' SCENARIO. THIS COOPERATION WAS TO BE IN EXCHANGE FOR THE DISMISSAL OF THE BALTIMORE CHARGES. USA, BALTIMORE, WOULD NOT AGREE TO A DISMISSAL OF THEIR CHARGES UNLESS, IN ADDITION TO

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DREDGE WEARING A WIRE AND TESTIFYING RE THE BRIBERY CASE, THAT HE ALSO COOPERATE WITH THEM IN THEIR CASE. DREDGE WOULD NOT AGREE.

SUBSEQUENT CONTACTS WITH DREDGE HAVE LED TO A POSITION ON DREDGE'S PART THAT WHAT HE DESIRED OUT OF AN AGREEMENT WOULD BE THE OPPORTUNITY TO PLEAD GUILTY TO ONE FELONY COUNT OF THE BALTIMORE INDICTMENT, UNDER THE PROVISIONS OF RULE 20, IN MIAMI, FLA. IN EXCHANGE, HE WOULD AGREE TO CONTINUE TO COOPERATE AND WOULD ALSO INTRODUCE AN FBI UCA TO BORDERS TO PLAY THE ROMANO BROTHERS SCENARIO. THIS WAY THE UCA COULD RECORD CONVERSATIONS WITH BORDERS AND A DEFINITIVE SHOW OF PROOF BY THE JUDGE COULD BE SUBSEQUENTLY DOCUMENTED. IF THE UCA SCENARIO LOGICALLY RUNS ITS COURSE IT WOULD PRECLUDE THE NEED FOR DREDGE TO TESTIFY AS A PROSECUTION WITNESS. AFTER A REVIEW OF ALL THE FACTS KNOWN TO THE MIAMI DIVISION IT IS SAC'S OPINION THAT THE UCA SCENARIO IS VIABLE.

RE: WILLIAM DREDGE'S BACKGROUND.

WILLIAM DREDGE, FBI NUMBER 3 720 712, HAS A RAP SHEET DATING BACK TO 1943. HE IS A KNOWN AND EXPERIENCED FENCE AND BURGLAR.

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DREDGE'S CONTENTION IS THAT IF HE TESTIFIES IN CAPTIONED MATTER THAT HE WILL BE SIGNING HIS DEATH WARRANT BECAUSE OF WHO IS INVOLVED. FBI, MIAMI, CONCURS.

REGARDING THE RELIABILITY OF DREDGE'S INFORMATION, IT HAS BEEN DETERMINED BY FBI, MIAMI, THAT DREDGE HAS BEEN AN INFORMANT OF ATF, MIAMI, SINCE 1975. HIS ACCOMPLISHMENTS AS AN INFORMANT ARE IMPRESSIVE AND THE QUALITY OF HIS INFORMATION IS RATED EXCELLENT TO OUTSTANDING. CONVERSATION WITH JIM HARMON, SPECIAL AGENT, ATF, REVEALS THAT DREDGE HAS NEVER RELATED INFORMATION TO HIM THAT WAS NOT LATER VERIFIED. A LISTING OF DREDGE'S ACCOMPLISHMENTS IS IN THE POSSESSION OF THE USA, MIAMI, FLORIDA.

OBSTACLES TO DOJ AGREEMENT WITH DREDGE:

1. DREDGE IS REPRESENTED IN HIS BALTIMORE CASE BY ATTORNEY ROGER SPADER. DREDGE HAS STATED THAT HE DOES NOT TRUST SPADER TO HAVE INFORMATION THAT HE (DREDGE) IS COOPERATING WITH THE GOVERNMENT. DREDGE STATED THAT HIS PERSONAL SAFETY WOULD BE COMPROMISED.

2. USA, BALTIMORE, DOES NOT APPEAR TO BE WILLING TO GIVE DREDGE HIS DEAL IF HE DOES NOT COOPERATE IN THEIR CASE.

3. DOJ OFFICIALS DO NOT FEEL THAT DREDGE IS GIVING UP ENOUGH

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(UCA INTRODUCTION PLUS COOPERATION) IN EXCHANGE FOR A RULE 20 PLEA IN MIAMI.

ADDITIONAL FACTORS:

1. DREDGE IS SCHEDULED FOR TRAIL IN BALTIMORE DURING THE WEEK OF SEPTEMBER 14, 1981.

2. PRE-TRIAL MOTIONS RE TRAFFICANTE'S CHARGES COULD BE HEARD BY JUDGE HASTINGS ANYTIME BETWEEN MID-OCTOBER AND DECEMBER, 1981, PER STRIKE FORCE ATTORNEYS, MIAMI, WHO ARE HANDLING THAT CASE.

3. THESE SAME STRIKE FORCE ATTORNEYS HAVE ADVISED THAT THEY WILL TRY AND HAVE THE JUDGE REMOVED FROM THE CASE BASED ON THE EVIDENCE TO DATE. PART OF THE "DEAL" BETWEEN THE JUDGE AND TRAFFICANTE IS THAT THE JUDGE WILL ADVISE TRAFFICANTE AS TO WHAT TYPE OF MOTION(S) THAT ARE TO BE FILED THAT WOULD CAUSE HIM TO RULE FAVORABLY IN TRAFFICANTE'S FAVOR. THIS INFORMATION WAS SUPPLIED BY DREDGE.

SUMMARY:

SAC, MIAMI, BELIEVES THAT THE ONLY WAY THAT A PROSECUTABLE CASE WILL BE MADE AGAINST THE SUBJECTS IN CAPTIONED MATTER IS BY UTILIZING BODY RECORDERS, TAPING TELEPHONE CONVERSATIONS AND FACE

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FM MIAMI (58-623) (OC-2) P

TO DIRECTOR IMMEDIATE

ATTN: SEAN HILLY, CID.

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SECTION 2 OF 2.

APPLE EYE; BRIBERY; 00: MIAMI.

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TO FACE MEETINGS. AT THIS POINT IN TIME, AND TIME IS A FACTOR, THE UCA SENARIO IS THE ONLY WAY TO OBTAIN THIS EVIDENCE.

SAC, MIAMI, DOES NOT BELIEVE THAT DREDGE WILL EVER WEAR A "WIRE" OR TESTIFY IN THIS MATTER BASED ON CONTACTS WITH DREDGE AND HIS CRIMINAL HISTORY AND PERSONALITY. ALSO, DREDGE'S CONCERN FOR HIS AND HIS FAMILY'S WELL BEING IS LEGITIMATE BASED ON THE SUBJECTS INVOLVED. DREDGE HAS ALSO ADVISED THAT HE IS NOT INTERESTED IN THE WSP.

SAC, MIAMI, BELIEVES THAT THE BUREAU'S POSITION SHOULD BE THAT DREDGE BE OFFERED THE RULE 20 OPPORTUNITY IN EXCHANGE FOR HIS COOPERATION AND INTRODUCTION OF THE UCA TO BORDERS. IF THAT OCCURS, THEN THE SENTENCING JUDGE, IN CAMERA, WOULD BE ADVISED OF DREDGE'S COOPERATION. IT IS NOTED THAT DREDGE IS AWARE THAT HIS SENTENCES WOULD BE AT THE DISCRETION OF A USDC JUDGE AND NOTHING COULD BE PROMISED RE THE FINAL SENTENCE.

SAC, MIAMI, REQUESTS THAT THIS POSITION BE STRONGLY FURTHERED AT WHATEVER LEVEL WITH THE APPROPRIATE DOJ OFFICIALS.

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Date SEPTEMBER 1, 1981

FM MIAMI (58-623) (OC-2) P

TO DIRECTOR IMMEDIATE 11 35 AM

ATTENTION: SEAN HILLY, CID

United States Senate
EVIDENTIARY HEARINGS
RESPONDENT'S EXHIBIT 10

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UNCLAS

SECTION 1 OF 2.

APPLE EYE; BRIBERY; 00:MIAMI.

RE MIAMI TELETYPES TO DIRECTOR, AUGUST 28, 1981 AND SEPTEMBER 2, 1981.

RELATING TO THE UCO PROPOSAL

I. PURPOSE

REQUEST FOR AUTHORITY FOR AN UNDERCOVER OPERATION (UCO), FOR 60 DAYS IN THE CORRUPTION OF PUBLIC OFFICIALS AND ORGANIZED CRIME AREAS TO BE CONDUCTED IN THE MIAMI DIVISION AT A TOTAL COST OF $30,000. UCO TO BE ENTITLED APPLE EYE.

II. OBJECTIVES OF OPERATION

SPECIFICALLY, THE OBJECTIVE OF THE UCO IS:

A. OBTAIN PROSECUTABLE EVIDENCE SHOWING THAT A NATIONALLY

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PROMINENT ATTORNEY IS ACTING AS THE MIDDLEMAN, BETWEEN A USDC JUDGE AND INDIVIDUALS COMING BEFORE THE JUDGE'S BENCH, CONDUCTING CRIMINAL ACTIVITIES INVOLVING THE SOLICITING OF BRIBES.

III. DETAILS

A. CRIMINAL PROBLEM

1. TYPE OF CRIME

A. BRIBERY AND SOLICITATION OF BRIBERY, TITLE 18, USC, SECTION 201, IS THE CRIME BEING COMMITTED. INFORMATION, TO DATE, INDICATES THAT THE ATTORNEY, AT THE REQUEST OF THE USDC JUDGE, IS APPROACHING INDIVIDUALS WHO ARE CRIMINALLY CHARGED AND SCHEDULED BEFORE THE JUDGE AND ADVISING THEM THAT IN EXCHANGE FOR A CASH PAYMENT THEIR CRIMINAL CHARGES WILL BE SUBSTANTIALLY REDUCED.

2. SUBJECTS

A. WILLIAM A. BORDERS, JR., DATE OF BIRTH MARCH 9, 1939, EMPLOYMENT - ATTORNEY, COBB, BORDERS AND WILLIAMS, WASHINGTON, D.C.; OTHER - PRESIDENT, NATIONAL BAR ASSOCIATION (1980), MEMBER OF FIVE-MAN PANEL OF ATTORNEYS WHO AID IN SELECTION OF USDC JUDGESHIPS.

B. ALCEE LAMAR HASTINGS, DATE OF BIRTH SEPTEMBER 5, 1936, EMPLOYMENT - USDC JUDGE, SOUTHERN DISTRICT OF FLORIDA, APPROXIMATELY

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TWO YEARS.

C. SANTO TRAFFICANTE, DATE OF BIRTH NOVEMBER 15, 1914. OTHER - NUMBER ONE ORGANIZED CRIME FIGURE IN SOUTH FLORIDA AREA. CURRENTLY INDICTED AND SCHEDULED FOR TRIAL BEFORE JUDGE HASTINGS.

D. ANTHONY ACCARDO, DATE OF BIRTH APRIL 28, 1906.

E. ANTHONY PILLOTO, DATE OF BIRTH JANUARY 6, 1911.

B. PRIOR INVESTIGATION

A SOURCE, WHO HAS SUPPLIED RELIABLE INFORMATION TO ANOTHER FEDERAL AGENCY IN THE PAST, HAS SUPPLIED INFORMATION REGARDING THIS BRIBERY ALLEGATION. TO DATE, THE FOLLOWING ARE HIGHLIGHTS OF THE INVESTIGATION. (IT IS NOTED THAT DUE TO THE SENSITIVE NATURE OF THE INVESTIGATION, OVERT INVESTIGATION HAS BEEN LIMITED)

1. ON JULY 21, 1981, BORDERS MET WITH TRFFICANTE IN MIAMI. (HQ HAS DETAILS OF CLANDESTINE MEETING.)

2. ON AUGUST 21, 1981, BORDERS, AGAIN, MET WITH TRAFFICANTE

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IN MIAMI. (HQ HAS DETAILS.)

3. REVIEW OF TELEPHONE TOLL RECORDS FOR BORDERS AND JUDGE HASTINGS REVEALS THE FOLLOWING CALLS BETWEEN THEIR BUSINESS AND/OR RESIDENCES:

MAY 11, 1981, JUDGE TO BORDERS - ONE MINUTE; MAY 29, 1981, BORDERS TO JUDGE - ONE MINUTE; MAY 29, 1981, BORDERS TO JUDGE - ONE MINUTE; JULY 5, 1981, JUDGE TO BORDERS - ONE MINUTE; JULY 16, 1981, JUDGE TO BORDERS - ONE MINUTE; AUGUST 12, 1981, BORDERS TO JUDGE - ONE MINUTE.

4. SOURCE ADVISED THAT $100,000 OF $600,000 BRIBE WAS DELIVERED BY ONE OF TRAFFICANTE'S ASSOCIATES IN TAMPA, FLORIDA, TO BORDERS IN WASHINGTON, D.C., DURING THE WEEKEND OF AUGUST 29-30, 1981.

5. SOURCE ADVISED THAT BORDERS IS DOING SIMILAR DEALS INVOLVING AN UNKNOWN U.S. APPELLATE COURT JUDGE IN NEW ORLEANS.

TO DATE, INVESTIGATION HAS GATHERED EVIDENCE THAT IS CIRCUMSTANTIAL IN NATURE AND IT IS BELIEVED THAT THE ONLY WAY THAT HARD EVIDENCE CAN BE GATHERED FOR A SUCCESSFUL PROSECUTION IS BY THE USE OF A UCO SCENARIO WHERE CONVERSATIONS WITH BORDERS CAN BE TAPED AND THE SCENARIO ALLOWED TO RUN ITS COURSE.

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IV. UNDERCOVER OPERATION PROPOSAL

1. THE SOURCE OF THE INFORMATION IN CAPTIONED MATTER HAS AGREED TO MAKE AN INTRODUCTION OF A UCA TO BORDERS TO RUN A SCENARIO WHICH SHOULD PRODUCE THE EVIDENCE FOR A SUCCESSFUL PROSECUTION IN CAPTIONED MATTER. THIS IS THE REASON FOR THE USE OF THE UNDERCOVER TECHNIQUE.

2. THE UCA WILL PLAY THE ROLE OF FRANK OR THOMAS ROMANO. (THE ROMANO BROTHERS WERE RECENTLY CONVICTED AND SENTENCED BEFORE JUDGE HASTINGS IN USDC, MIAMI, FLORIDA, THREE YEARS CUSTODY OF ATTORNEY GENERAL AND FINES AND FORFEITURES TOTALING $1.3 MILLION DOLLARS.) HQ IS IN RECEIPT OF INFORMATION AS TO WHY THE INTRODUCTION OF THE UCA BY THE SOURCE WILL BE ACCEPTABLE TO BORDERS. IT IS BELIEVED THAT THE INITIAL AND SUBSEQUENT MEETINGS WITH BORDERS CAN BE RECORDED AND THAT THE FOLLOWING WILL BE OBTAINED:

1. DETAILS OF THE "FIX", I.E., PRICE, MOTIONS TO BE FILED, TIMING, ETC.

2. SHOW OF PROOF BY JUDGE HASTINGS THAT BORDERS IS ACTING IN THE JUDGE'S BEHALF (RESTAURANT SCENARIO OR OTHER).

3. EXCHANGE OF FRONT MONEY.

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3. AN UNDERCOVER AGENT (RETIRED SA OF MIAMI DIVISION) WILL BE INTRODUCED DUE TO THE AGES OF THE ROMANO BROTHERS. THE UCA WILL BE INTRODUCED BY THE SOURCE WHO WILL THEN LEAVE THE MEETING. THE SOURCE HAS ADVISED THAT HE WILL NOT TESTIFY IN CAPTIONED MATTER.

4. LENGTH OF OPERATION

THE PROPOSED LENGTH OF THE OPERATION IS 60 DAYS DUE TO THE CONSTRAINTS KNOWN TO HQ.

5. COST

A. UP-FRONT MONEY WILL BE IN THE AMOUNT OF $25,000.

B. MISCELLANEOUS EXPENSES HAVE BEEN ESTIMATED AT $5,000.

C. TOTAL COST $30,000.

6. MANPOWER WILL BE SUPPLIED BY THE MIAMI DIVISION AND THE UTILIZATION OF ONE FORMER BUREAU SA.

V. TECHNICAL EQUIPMENT

NAGRA BODY RECORDING EQUIPMENT WILL BE NEEDED AT THIS POINT IN TIME. IT APPEARS THAT MIAMI DIVISION HAS SUFFICIENT EQUIPMENT.

IV. PLA ANALYSIS

MIAMI PLA HAS REVIEWED PROPOSAL AND IS OF THE OPINION THERE IS NO ENTRAPMENT OR DUE PROCESS PROBLEMS WITH PROPOSED PROJECT.

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TO DIRECTOR IMMEDIATE 11 50

ATTENTION: SEAN HILLY, CID

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APPLE EYE; BRIBERY; OO:MIAMI.

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NOR IS THERE ANY LEGAL PROBLEM WITH HAVING FORMER SA REPRESENT A LIVING PERSON. IT IS RECOMMENDED THAT A PERSONAL SERVICES AGREEMENT BE EXECUTED BETWEEN THE FBI AND FORMER SA SPELLING OUT HIS AUTHORITY AS WELL AS AN INDEMNITY CLAUSE WHICH WOULD INDEMNIFY HIM AGAINST CIVIL SUITS THAT MIGHT ARISE OUT OF THIS PROJECT.

VII. DEPARTMENTAL ATTORNEY OPINION

REID WEINGARTEN, ATTORNEY, PROFESSIONAL INTEGRITY SECTION, DEPARTMENT OF JUSTICE, WASHINGTON, D.C., HAS BEEN APPRISED OF THE DEVELOPMENTS IN CAPTIONED INVESTIGATION SINCE ITS INCEPTION. HE CONCURS WITH THE PROPOSAL AND ITS OBJECTIVES AND LEGALITY. HE IS DEDICATED TO THE PROSECUTION OF THE SUBJECTS DEVELOPED. HE ADVISED THAT THE USE OF THE UCO SCENARIO WILL NOT BE CONSTRUED AS ENTRAPMENT.

VIII. EXEMPTIONS

AN EXEMPTION FOR DEPOSITING APPROPRIATED FUNDS WILL BE NEEDED.

IX. COOPERATIVE ASSET

THE COOPERATING ASSET IN CAPTIONED MATTER HAS A CRIMINAL HISTORY DATING TO 1963. THE ASSET IS 53 YEARS OLD. THE ASSET HAS DEALT WITH BORDERS FOR A NUMBER OF YEARS AND HAS HIS CONFIDENCE.

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ATLEE WAMPLER, USA, MIAMI, FLORIDA, IS IN POSSESSION OF STATISTICAL INFORMATION WHICH OUTLINES THE ASSET'S ACCOMPLISHMENTS AND WHICH WOULD RATE THE ASSET AS EXCELLENT TO OUTSTANDING.

THE ASSET BY HIS ACTIONS HAS DEMONSTRATED HIS STABILITY. HE HAS ADVISED THAT HE WILL NEVER TESTIFY IN THIS OR ANY OTHER MATTER. HE STATED THAT IN EXCHANGE FOR HIS BEING ALLOWED TO PLEAD GUILTY TO ONE FELONY COUNT (NARCOTICS CONSPIRACY) OF AN EIGHT-COUNT INDICTMENT CURRENTLY PENDING AGAINST HIM IN BALTIMORE, MARYLAND, AND THE GOVERNMENT STANDING MUTE AT HIS SENTENCING. (WITH HIS COOPERATION AND ACTIONS BEING MADE KNOWN TO THE SENTENCING JUDGE, IN CAMERA) THAT HE WOULD CONTINUE TO COOPERATE WITH THE GOVERNMENT IN CAPTIONED MATTER AND WOULD INTRODUCE A UCA TO WILLIAM BORDERS TO RUN THE ROMANO BROTHERS' SCENARIO.

X. SAC COMMENTS

SAC, MIAMI, IS COMMITTED TO THE USE OF THE UNDERCOVER TECHNIQUE IN THIS MATTER AND WILL SUPPLY THE NECESSARY MANPOWER AND EQUIPMENT FOR THE OPERATION.

ADMINISTRATIVE

ON SEPTEMBER 2, 1981, REID WEINGARTEN, PIS, DOJ, WASHINGTON, DC,

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

FD-36 (Rev. 5-22-78)

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Date _____

PAGE NINE MM (58-623) UNCLAS

ADVISED THAT HIS SUPERIORS HAVE ADVISED THAT IF WILLIAM DREDGE IS WILLING TO PLEAD TO ONE FELONY COUNT (NARCOTICS CONSPIRACY) OF HIS EIGHT-COUNT INDICTMENT IN BALTIMORE AND CONTINUE TO COOPERATE WITH THE GOVERNMENT IN CAPTIONED MATTER WITH AN INTRODUCTION OF A UCA TO WILLIAM BORDERS IN THE ROMANO BROTHERS' SCENARIO THAT THE USA, BALTIMORE, WOULD ACCEPT HIS PLEA AND WOULD NOT REQUIRE HIS C COOPERATION IN THAT MATTER AND WOULD STAND MUTE AT SENTENCING. IN ADDITION, THE GOVERNMENT WOULD ADVISE THE SENTENCING JUDGE OF DREDGE'S COOPERATION AND ACTIONS IN CAPTIONED MATTER.

ON SEPTEMBER 3, 1981, SA WILLIAM J. MURPHY, JR. MET WITH WILLIAM DREDGE AT WHICH TIME DREDGE AGREED TO THE ABOVE AGREEMENT. NO PROMISES, THREATS OR COERCION WERE EMPLOYED AND DREDGE ADVISED THAT THE FINAL SENTENCING WAS AT THE DISCRETION OF THE JUDGE.

ON SEPTEMBER 3, 1981, WITHIN MINUTES OF SA MURPHY'S DEPARTURE FROM DREDGE, DREDGE TELEPHONICALLY CONTACTED SA MURPHY AND ADVISED THAT HE HAD JUST BEEN CONTACTED BY HIS BALTIMORE ATTORNEY, ROGER SPADER. HE STATED THAT SPADER RELATED THAT AUSA STEVE ALLEN, USA'S OFFICE, BALTIMORE, HAD JUST CONTACTED HIM (SPADER) AND ADVISED THAT HE WAS SEEKING DOJ APPROVAL TO FILE A DANGEROUS OFFENDER

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Date _____

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AFFIDAVIT REGARDING DREDGE TO BE READ BY THE JUDGE UPON DREDGE'S SENTENCING. SPADER ADVISED DREDGE THAT IF THE JUDGE ACCEPTS THIS THAT IT CARRIES AN AUTOMATIC 20-25 YEAR SENTENCE. (IT IS NOTED THAT CASE AGENT IS NOT FAMILIAR WITH THIS PROPOSAL BUT UNDERSTANDS THAT IT IS FILED AT TIMES REGARDING NARCOTICS VIOLATORS). DREDGE WAS IRATE AND FELT THAT THE GOVERNMENT HAD THROWN HIM A "CURVE BALL." HE ADVISED THAT THE AGREEMENT WAS OFF BECAUSE HE DID NOT FEEL THAT HE COULD LOGICALLY REQUEST HIS ATTORNEY TO SEEK A PLEA AGREEMENT (KEEPING IN MIND THAT DREDGE HAS STATED THAT HE DID NOT WANT SPADER TO KNOW OF HIS COOPERATION FOR PERSONAL SAFETY REASONS) BECAUSE IT WOULD NOT APPEAR, WITH THIS NEW DEVELOPMENT, THAT AUSA ALLEN WOULD ACCEPT ONE.

DREDGE ADVISED THAT HE WOULD ONLY AGREE AT THIS POINT IF AUSA ALLEN MADE THE PLEA AGREEMENT PROPOSAL TO SPADER AND THAT, IN ADDITION, HIS VEHICLE, WHICH WAS SEIZED IN THE BALTIMORE CASE, WAS ORDERED RETURNED TO HIM AS A SHOW OF GOOD FAITH ON THE GOVERNMENT'S PART.

ON SEPTEMBER 2, 1981, REID WEINGARTEN ADVISED THAT AUSA ALLEN'S MOTIVE FOR HIS CONTACT WITH SPADER WAS TO PRESSURE DREDGE TO ACCEPT

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PAGE ELEVEN MM (58-623) UNCLAS

THE AGREEMENT. HE DID NOT ADVISE WHY ALLEN DID NOT CONTACT HIM BEFORE DOING WHAT HE DID.

ON SEPTEMBER 3, 1981, WILLIAM DREDGE ADVISED THAT HE WAS TRAVELING TO WASHINGTON, D.C., ON SEPTEMBER 4, 1981, TO MEET WITH HIS ATTORNEY AND WOULD RETURN TO THE MIAMI AREA ON SEPTEMBER 8, 1981.

IT IS REQUESTED OF THE BUREAU THAT AUTHORITY BE OBTAINED FROM THE APPROPRIATE DOJ PERSONNEL FOR THE UCA IN CAPTIONED MATTER TO RECORD ANY AND ALL CONVERSATIONS WITH WILLIAM BORDERS AND OTHERS IN CAPTIONED MATTER. HQ SHOULD HAVE SUFFICIENT INFORMATION TO MAKE THIS REQUEST.

MIAMI, AT MIAMI:

1. WILL UPON DETERMINING THE IDENTITY OF A SUITABLE UCA (FORMER FBI SA), SUBMIT VIA TELETYPE A COPY OF A PERSONAL SERVICES CONTRACT EXECUTED BY SAME.

2. INVESTIGATION CONTINUING.

BT

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

RESPONDENT'S EXHIBIT #11

UNITED STATES GOVERNMENT

Memorandum

"SENSITIVE"

Senate

EVIDENTIARY HEARINGS
DATE: July 28, 1981
RESPONDENT'S EXHIBIT 11

TO : File

FROM : John M. Owens, Special Attorney
Miami Strike Force

SUBJECT: United States v. Accardo, et al, 81-230-Cr-ALH: Possible Violations of Title 18, United States Code, Section 201 and 1503.

At approximately 3:00 PM, July 20, 1981, I returned to the offices of the United States Department of Justice, Organized Crime and Racketeering, Strike Force in Miami, Florida from court in Fort Lauderdale, Florida. At that time Special Assistant U.S. Attorney Martha P. Rogers provided the following information to me: At approximately 12:30 P.M. that day a person identifying himself as Bill Dredge appeared at the offices of the Miami Strike Force and spoke with Ms. Rogers for approximately one and one-half hours. Dredge told Ms. Rogers, generally, that Santo Trafficante, a defendant in the case entitled, United States of America v. Accardo et al., 81-230-Cr-ALH, now pending in the Southern District of Florida, and perhaps other persons were attempting to bribe the trial judge in the Accardo case, United States District Judge Alcee L. Hastings. Dredge stated that a meeting between an attorney from Washington, D. C., who was to act as intermediary for the parties, and Santo Trafficante was scheduled for the following day in Miami, Florida. Dredge offered to provide the details of the itinerary, the name of the attorney and other pertinent information in return for assistance in obtaining the dismissal of certain charges pending against him in the United States District Court for the District of Maryland. During the visit, Dredge refused to talk with anyone other than Ms. Rogers.

Dredge had departed the office approximately an hour before I arrived but was to call Ms. Rogers later in the afternoon. It was agreed between myself and Ms. Rogers that when Dredge called he would be requested to return to the Strike Force offices to continue discussion of the matter. Dredge did return to the Strike Force at approximately 3:00 P.M., July 20, 1981. For approximately one hour Dredge refused to talk with anyone other than Ms. Rogers. At approximately 4:00 P.M., I was introduced into the conversation and talked with Mr. Dredge until approximately 6:30 P.M. During parts 58-628

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of the conversation Ms. Rogers was present and at other times Dredge and I were alone. I also talked with Dredge for several hours on July 21, 1981 at various times between 11:30 A.M. and 5:30 P.M. Parts of the July 21, 1981 conversation were in the presence of Ms. Rogers, United States Attorney Atlee W. Wampler, III or Strike Force Assistant Attorney-In-Charge, Roma W. Theus, II. During other parts of that conversation, Dredge and I were alone.

The following is a summary of pertinent information imparted to me personally by Dredge during our conversations on July 20 and 21, 1981.

Dredge is aware from personal knowledge that a Washington, D. C. attorney is attempting to obtain a bribe to pay to United States District Judge Alcee L. Hastings to influence the judge's official actions in the case of United States v. Accardo et al., 81-230-Cr-ALH. Dredge described the attorney as being politically prominent in Washington, D. C. He said the attorney had obtained an appointive position under the Carter administration and that Ronald Reagan would never forget him because he was the first lawyer to "beat" Reagan. (Late Tuesday afternoon, July 21, 1981, after it appeared the attorney had already arrived at and departed from the Miami Airport for the meeting with Trafficante, Dredge acknowledged to me that he had moments earlier identified the attorney to others in the room during my absence as "Borders.")

On July 20, 1981, Dredge stated the attorney, later identified as Borders, was scheduled to fly to Miami, Florida from Washington, D. C. during the afternoon of July 21, 1981 and return through Atlanta, Georgia the same evening. While in Miami, Borders was to meet with Santo Trafficante and later with Judge Hastings to discuss details of the bribe. Dredge stated it was his belief that others of the defendants in the Accardo case might be in attendance at the meeting with Trafficante because it was his understanding that they were to contribute to any bribe which would be paid to the judge. In particular, Dredge believed Anthony Accardo and Alfred Pilotto were participants in the bribe scheme. Dredge stated, however, that he had no actual knowledge that they would be present on July 21, 1981. Dredge also stated that he was uncertain as to whether Borders would physically meet with Judge Hastings during his trip to

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Miami. Dredge suggested that Hastings might simply "appear" at a designated place at a specified time and in a particular manner so as to confirm to an observer that Borders knew and could control the judge. Dredge was certain, however, that Borders would meet personally with Santo Trafficante on Tuesday, July 21, 1981. Dredge stated he became aware of information about the impending meeting in Miami during a trip to Washington, D. C. over the previous weekend. Dredge stated two meetings had previously taken place in preparation for the bribery transaction.

By way of background to this incident, Dredge provided the following explanation. Dredge met Santo Trafficante for the first time on July 9 and 10, 1981 in Washington, D. C. While in Washington, Dredge and Trafficante stayed at the apartment of a mutual friend in Washington whom Dredge described only as a gambler. Dredge stated that from conversations with Trafficante he learned that by being in Washington, D. C. Trafficante was in violation of his bond in the Florida case. Trafficante had traveled to Washington by commercial airliner under a false name. Other details of Trafficante's trip were discussed between them but Dredge did not disclose them to me.

Dredge went to dinner with Trafficante, the gambler and the gambler's wife at a restaurant in the Washington, D. C. area during the July 9-10 visit. Dredge escorted the gambler's wife to the restaurant. The gambler arrived separately with Trafficante, whom the gambler stated he had picked up from another location. At the dinner, Trafficante and the gambler sat at one table and Dredge and the gambler's wife sat at another table nearby. Dredge stated that during dinner the gambler was approached by a newspaper reporter who was dining at another table in the restaurant. According to Dredge, the reporter, whom he would not identify, is "well known" in Washington and had previously "had words" with the gambler. The reporter shook hands with the gambler and lingered at the table in the apparent expectation of an introduction to Trafficante. When an introduction did not come, he returned to his table. When Dredge's party left the restaurant, the reporter again engaged the gambler in a brief conversation. Dredge stated the reporter appeared to observe Trafficante closely on each occasion. Dredge would not identify the restaurant but stated the owner was a close friend of the gambler and would probably not cooperate willingly in any investigation of this matter.

"SENSITIVE"

"SENSITIVE"

File

Page 4

Dredge stated that during the July 9-10 visit to Washington, D. C. Santo Trafficante did not discuss any aspect of the alleged bribery attempt in his presence.

Dredge further stated that Judge Hastings was the initiator of the bribe scheme. Dredge stated that this conclusion was based on direct personal acknowledge rather than speculation. He recounted the following facts with regard to a prior bribery solicitation attempt. During the Spring of 1981, the Romano brothers were convicted in the case of United States v. Romano, 78-364-Cr-ALH, in the Southern District of Florida before Judge Hastings. Subsequent to the conviction and pending sentencing, Borders requested Dredge to approach the Romanos and solicit a bribe. Specifically, for a payment of $150,000 the Romanos would receive probation rather than being sentenced to jail. Dredge stated the request from Borders was renewed several times and Borders pointed out that the sentencing date had been postponed by the Court in order to allow the Romanos to respond to the bribe solicitation. Borders stated to Dredge that the judge could not believe the Romanos would not pay $150,000 to stay out of jail. Dredge said the offer from Judge Hastings to the Romanos remained open at the date of our conversation and that if it were paid an appropriate defense motion would result in the elimination of the sentence of confinement which the judge had imposed. Dredge stated the bribe attempt had failed initially because he intentionally had not communicated the offer to the Romanos and had fabricated excuses to Borders.

When asked whether his statements about the judge's participation in the bribe scheme were merely his conclusions based on conversations with third parties or were based on direct personal knowledge, Dredge replied that they were based on direct personal knowledge. In this regard Dredge stated that on Saturday of the previous weekend (July 18) Hastings and Borders and met in Washington, D. C. Dredge implied that he had been present at the meeting and that statements had been made which confirmed the active participation of Hastings in the bribery schemes. He declined to elaborate. In addition to the specific reference to the July 18 meeting, Dredge stated that he had been apprised of the procedural mechanics by which a disposition of the Accardo case favorable to the defendants was to be achieved, but again would disclose no details.

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Dredge advised that he was aware of Borders' trip to Miami on July 21, 1981, because Borders had asked Dredge to pick him up at the airport upon his arrival. Dredge stated it was his intention to make some excuse to Borders so he would not be required to pick Borders up at the airport. He stated, however, that if a satisfactory arrangement could be reached between him and the Government regarding his case in Baltimore, he would be willing to pick up Borders as scheduled on July 21 and be followed by Government agents or advise the Government by telephone where he had taken him. Dredge pointed out that he might not take Borders directly to the meeting but instead might take him to some third location from which Borders would then travel to the meeting. Dredge suggested that Borders might come to Dredge's home before going to the meeting as he had previously done. Dredge stated that he did not know the location of the meeting, but knew that it would be the same place a previous meeting had taken place approximately one week before.

Dredge also advised that he would provide the details of previous events and he would continue to furnish to the Government any future information which came to his knowledge regarding the alleged bribery scheme. Dredge stated, however, that he would not become a witness for the Government in this case nor would he engage in activities which would lead to his subsequent identification as a informant, in particular, the wearing of a recording device. Dredge stated that he desired to help both the Government and himself but that he would go to jail for contempt before he would testify before any federal grand jury in this matter. He made clear that his reluctance to become an open witness resulted directly from his fear of bodily harm or death if his cooperation with the Government should become known to the subjects of the alleged bribery scheme.

The foregoing is a background regarding meetings with and summary of pertinent information provided by William C. Dredge to me over a four to five hour period on July 20 and 21, 1981, regarding an alleged scheme to bribe United States District Judge Alcee L. Hastings. This memorandum does not purport to recount every detail of my conversations with Dredge. Nor, except as otherwise noted, does it purport to recount information provided by Mr. Dredge to other officers of the United States Department of Justice.

END OF MEMORANDUM

FD-36 (Rev. 5-22-78)

RESPONDENT'S EXHIBIT #13

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Date SEPTEMBER 2, 1981

FM MIAMI (58-623) (OC-2) P

TO DIRECTOR PRIORITY

ATTN: SEAN HILLY, CRIMINAL INVESTIGATIVE DIVISION

BT

UNCLAS

APPLE EYE; BRIBERY; OO:MIAMI.

RE MIAMI TELETYPES TO BUREAU, AUGUST 26 AND 28, 1981; MIAMI TELCALLS TO BUREAU, AUGUST 31 AND SEPTEMBER 1, 1981.

ON AUGUST 31, 1981, CONTACT MADE WITH WILLIAM C. DREDGE IN MIAMI, FLORIDA, AT WHICH TIME HE RELATED THE FOLLOWING INFORMATION:

1) HE ADVISED HE MET WITH WILLIAM BORDERS IN WASHINGTON, D.C. DURING AUGUST 27-29, 1981.

2) HE STATED HE HAS REASON TO BELIEVE THAT A (FNU) GONZALEZ (NOT HENRY GONZALEZ, ATTORNEY FOR TRAFFICANTE) DELIVERED $100,000 TO WILLIAM BORDERS DURING THE WEEKEND OF AUGUST 29-30, 1981. HE ADVISED THAT THIS INDIVIDUAL IS ONE OF SANTO TRAFFICANTE'S PEOPLE FROM THE TAMPA, FLORIDA, AREA. HE STATED THIS IS A FRONT MONEY

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PAGE TWO MM (58-623) UNCLAS

PAYMENT FOR THE DEAL INVOLVING TRAFFICANTE, ANTHONY ACCARDO AND ALFRED PILOTTO, AND THAT THE TOTAL AMOUNT TO BE PAID IS $600,000.

3) HE ADVISED THAT BORDERS WANTS TO DEAL WITH THE ROMANO BROTHERS AS SOON AS IT IS POSSIBLE. HE ADVISED THAT THE PRICE FOR THEIR DEAL (REDUCTION OF THEIR SENTENCES) IS $150,000. HE STATED THAT BORDERS WILL NOT DEAL WITH A ROMANO REPRESENTATIVE, ONLY ONE OR BOTH OF THEM.

4) HE STATED HE HAS REASON TO BELIEVE THAT WILLIAM BORDERS IS CONDUCTING SIMILAR BUSINESS AS ALLEGED IN CAPTIONED MATTER WITH AN UNNAMED FEDERAL APPELLATE COURT JUDGE IN NEW ORLEANS, LOUISIANA.

5) HE ADVISED HE WOULD INTRODUCE UCA(S) TO BORDERS, REPRESENTING THAT HE (THEY) WERE THE ROMANO BROTHERS AND CONTINUE TO COOPERATE IF THE AGREEMENT THAT HE DESIRES CAN BE WORKED OUT WITH THE DOJ.

ON SEPTEMBER 1, 1981, REID WEINGARTEN, PIS, DOJ, WASHINGTON, D.C., ADVISED THE FOLLOWING INFORMATION:

1) HE STATED HE WAS IN TELEPHONIC CONTACT WITH AUSA STEVE ALLEN, USA'S OFFICE, BALTIMORE, MARYLAND, AND THAT ALLEN STATED THAT HE WAS IN BOSTON, MASSACHUSETTS, INTERVIEWING TWO NEW WITNESSES RE

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DREDGE'S NARCOTICS MATTER TRIAL (NOW SCHEDULED FOR SEPTEMBER 14, 1981).

2) HE ADVISED THAT ALLEN INDICATED THAT HE (ALLEN) MIGHT BE AGREEABLE TO ALLOWING DREDGE TO PLEAD GUILTY TO ONE COUNT OF THE INDICTMENT IN BALTIMORE. HE ALSO APPEARED TO BE AGREEABLE TO ALLOWING THIS PLEA WITHOUT DREDGE HAVING TO COOPERATE IN THE BALTIMORE NARCOTICS CASE IF DREDGE WERE TO COOPERATE SUBSTANTIALLY IN CAPTIONED MATTER.

3) HE ADVISED THAT ALLEN RELATED THAT THE JUDGE HEARING THE BALTIMORE CASE IS THE CHIEF JUDGE OF THAT DISTRICT AND THAT IN THE PAST, HE HAS RESPONDED FAVORABLY TO PROSECUTION RECOMMENDATIONS AT TIME OF SENTENCING.

4) HE ADVISED HE WOULD BE MEETING WITH ALLEN ON SEPTEMBER 2 OR SEPTEMBER 3, 1981, TO CONTINUE DISCUSSIONS RE AN AGREEMENT FOR DREDGE.

ADMINISTRATIVE:

SAC, MIAMI, BELIEVES THAT BASED ON INVESTIGATION TO DATE, DREDGE CAN SUCCESSFULLY INTRODUCE UCA(S) TO BORDERS AND THAT THE PREVIOUSLY DISCUSSED ROMANO BROTHERS SCENARIO CAN BE SUCCESSFULLY RUN.

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PAGE FOUR MM (58-623) UNCLAS

IT IS NOTED THAT FRANK AND THOMAS ROMANO ARE 62 AND 66 YEARS OLD. THE MIAMI DIVISION ANTICIPATES USING TWO FORMER SAS OF THE MIAMI DIVISION IN THE UCA ROLES DUE TO THE AGE OF THE REAL ROMANO BROTHERS. PRIOR TO THEIR UTILIZATION, APPROPRIATE HQ OFFICIALS WILL BE CONTACTED RE LEGAL ADVICE, PERSONAL SERVICES CONTRACTS, ETC. MIAMI CURRENTLY HAS TWO FORMER SAS IN MIND, HOWEVER, NO CONTACT WILL BE MADE WITH THEM PRIOR TO FINALIZING AN AGREEMENT WITH DREDGE.

MIAMI, AT MIAMI, INVESTIGATION CONTINUING.

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RESPONDENT'S EXHIBIT #14

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☒ UNCLAS

Date 8/28/81

FM MIAMI (58-623) (OC-2) P

TO DIRECTOR IMMEDIATE

ATTN: SEAN HILLY, CID.

BT

UNCLAS

SECTION 1 OF 2.

APPLE EYE; BRIBERY; 00: MIAMI.

RE MIAMI TELETYPE TO BUREAU, AUGUST 26, 1981.

ADMINISTRATIVE:

MATERIAL IN THIS TELETYPE IS CONSIDERED ADMINISTRATIVE AND SHOULD NOT BE DISSEMINATED.

EVIDENCE:

TO DATE EVIDENCE GATHERED IN CAPTIONED MATTER HAS BEEN GENERATED BY TWO METHODS:

1. INFORMATION SUPPLIED BY WILLIAM DREDGE REGARDING THE INITIAL ALLEGATION THAT USDC JUDGE ALCEE HASTINGS IS TO RECEIVE A MILLION DOLLAR CASH BRIBE FROM SANTO TRAFFICANTE THROUGH THE INTERCESSION OF ATTORNEY, WILLIAM BORDERS, JR.

W. J. Murphy

Miami
WJM:klj
(1)

Approved: JVL/MW Transmitted 006 409 Per AUD
(Number) (Time)

58-623-2

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Date _____

PAGE TWO MM (58-623) UNCLAS

DREDGE HAS ALSO SUPPLIED INFORMATION THAT JUDGE HASTINGS HAS ATTEMPTED TO SOLICIT A $150,000 CASH BRIBE FROM FRANK AND THOMAS ROMANO, AGAIN, THROUGH BORDERS, TO FIX THE SENTENCES OF THE ROMANO BROTHERS WHO WERE CONVICTED AND SUBSEQUENTLY SENTENCED BEFORE JUDGE HASTINGS. DREDGE HAS ADVISED THAT HE WAS REQUESTED BY BORDERS TO "CHECK OUT" THE ROMANO BROTHERS AND DETERMINE IF THEY COULD BE DEALT WITH AND IF THEY WOULD AGREE TO THE DEAL. DREDGE ADVISED THAT HE NEVER CONTACTED THE ROMANO BROTHERS BUT THAT HE REPORTED TO ~~BORDERS~~ Borders THAT HE DID AND THAT HE REPORTED FIRST THAT THEY ALREADY HAD A DEAL AND THEN AT A LATER TIME THAT THEY DID NOT HAVE THE MONEY. DREDGE ADVISED THAT AFTER THE FIRST REPORT THAT BORDERS TOLD HIM THAT THE JUDGE SAID, "THEY ARE CRAZY IF THEY THINK THAT THEY HAVE A DEAL, I'M THE ONLY ONE THAT THEY COULD DEAL WITH AND THEY DON'T HAVE A DEAL".

2. DREDGE VOLUNTARILY ADVISED THAT BORDERS WAS COMING TO THE MIAMI, FLORIDA, AREA ON TWO OCCASIONS TO MEET WITH TRAFFICANTE AND/OR JUDGE HASTINGS. THE FIRST MEETING BETWEEN BORDERS AND TRAFFICANTE OCCURRED ON JULY 21, 1981, IN MIAMI AND WAS DOCUMENTED BY THE MIAMI

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Date _____

PAGE THREE MM (58-623) UNCLAS

DIVISION. THIS MEETING CAN DEFINITELY BE DESCRIBED AS CLANDESTINE.

THE SECOND MEETING BETWEEN THESE SAME TWO INDIVIDUALS OCCURRED ON AUGUST 21, 1981, IN MIAMI AND CAN BE DESCRIBED AS MORE CLANDESTINE THAN THE FIRST MEETING. THIS MEETING WAS ALSO DOCUMENTED BY THE MIAMI DIVISION.

IT IS NOTED THAT SUBPOENAS HAVE BEEN ISSUED FOR TELEPHONE TOLL RECORDS FOR TRAFFICANTE, BORDERS AND DREDGE, THE RESULTS OF WHICH ARE NOT YET AVAILABLE. IT IS ANTICIPATED THAT THE JUDGE'S TOLL RECORDS WILL BE SUBPOENAED IN THE FUTURE.

RE: WILLIAM DREDGE'S INFORMATION.

INITIALLY, WHEN DREDGE CAME FORWARD WITH HIS INFORMATION, HE WANTED AN 8 FELONY COUNT INDICTMENT, INVOLVING NARCOTICS TRAFFICKING, CURRENTLY PENDING IN BALTIMORE, MARYLAND, (DEA CASE) DISMISSED. IN THE FIRST INTERVIEW WITH DREDGE (4 HOURS), HE AGREED TO RECORD CONVERSATIONS WITH BORDERS RELATING TO THE ROMANO BROTHERS' SCENARIO. THIS COOPERATION WAS TO BE IN EXCHANGE FOR THE DISMISSAL OF THE BALTIMORE CHARGES. USA, BALTIMORE, WOULD NOT AGREE TO A DISMISSAL OF THEIR CHARGES UNLESS, IN ADDITION TO

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DREDGE WEARING A WIRE AND TESTIFYING RE THE BRIBERY CASE, THAT HE ALSO COOPERATE WITH THEM IN THEIR CASE. DREDGE WOULD NOT AGREE.

SUBSEQUENT CONTACTS WITH DREDGE HAVE LED TO A POSITION ON DREDGE'S PART THAT WHAT HE DESIRED OUT OF AN AGREEMENT WOULD BE THE OPPORTUNITY TO PLEAD GUILTY TO ONE FELONY COUNT OF THE BALTIMORE INDICTMENT, UNDER THE PROVISIONS OF RULE 20, IN MIAMI, FLA. IN EXCHANGE, HE WOULD AGREE TO CONTINUE TO COOPERATE AND WOULD ALSO INTRODUCE AN FBI UCA TO BORDERS TO PLAY THE ROMANO BROTHERS SCENARIO. THIS WAY THE UCA COULD RECORD CONVERSATIONS WITH BORDERS AND A DEFINITIVE SHOW OF PROOF BY THE JUDGE COULD BE SUBSEQUENTLY DOCUMENTED. IF THE UCA SCENARIO LOGICALLY RUNS ITS COURSE IT WOULD PRECLUDE THE NEED FOR DREDGE TO TESTIFY AS A PROSECUTION WITNESS. AFTER A REVIEW OF ALL THE FACTS KNOWN TO THE MIAMI DIVISION IT IS SAC'S OPINION THAT THE UCA SCENARIO IS VIABLE.

RE: WILLIAM DREDGE'S BACKGROUND.

WILLIAM DREDGE, FBI NUMBER 3 720 712, HAS A RAP SHEET DATING BACK TO 1943. HE IS A KNOWN AND EXPERIENCED FENCE AND BURGLAR.

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DREDGE'S CONTENTION IS THAT IF HE TESTIFIES IN CAPTIONED MATTER THAT HE WILL BE SIGNING HIS DEATH WARRANT BECAUSE OF WHO IS INVOLVED. FBI, MIAMI, CONCURS.

REGARDING THE RELIABILITY OF DREDGE'S INFORMATION, IT HAS BEEN DETERMINED BY FBI, MIAMI, THAT DREDGE HAS BEEN AN INFORMANT OF ATF, MIAMI, SINCE 1975. HIS ACCOMPLISHMENTS AS AN INFORMANT ARE IMPRESSIVE AND THE QUALITY OF HIS INFORMATION IS RATED EXCELLENT TO OUTSTANDING. CONVERSATION WITH JIM HARMON, SPECIAL AGENT, ATF, REVEALS THAT DREDGE HAS NEVER RELATED INFORMATION TO HIM THAT WAS NOT LATER VERIFIED. A LISTING OF DREDGE'S ACCOMPLISHMENTS IS IN THE POSSESSION OF THE USA, MIAMI, FLORIDA.

OBSTACLES TO DOJ AGREEMENT WITH DREDGE:

1. DREDGE IS REPRESENTED IN HIS BALTIMORE CASE BY ATTORNEY ROGER SPADER. DREDGE HAS STATED THAT HE DOES NOT TRUST SPADER TO HAVE INFORMATION THAT HE (DREDGE) IS COOPERATING WITH THE GOVERNMENT. DREDGE STATED THAT HIS PERSONAL SAFETY WOULD BE COMPROMISED.

2. USA, BALTIMORE, DOES NOT APPEAR TO BE WILLING TO GIVE DREDGE HIS DEAL IF HE DOES NOT COOPERATE IN THEIR CASE.

3. DOJ OFFICIALS DO NOT FEEL THAT DREDGE IS GIVING UP ENOUGH

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(UCA INTRODUCTION PLUS COOPERATION) IN EXCHANGE FOR A RULE 20 PLEA IN MIAMI.

ADDITIONAL FACTORS:

1. DREDGE IS SCHEDULED FOR TRAIL IN BALTIMORE DURING THE WEEK OF SEPTEMBER 14, 1981.

2. PRE-TRIAL MOTIONS RE TRAFFICANTE'S CHARGES COULD BE HEARD BY JUDGE HASTINGS ANYTIME BETWEEN MID-OCTOBER AND DECEMBER, 1981, PER STRIKE FORCE ATTORNEYS, MIAMI, WHO ARE HANDLING THAT CASE.

3. THESE SAME STRIKE FORCE ATTORNEYS HAVE ADVISED THAT THEY WILL TRY AND HAVE THE JUDGE REMOVED FROM THE CASE BASED ON THE EVIDENCE TO DATE. PART OF THE "DEAL" BETWEEN THE JUDGE AND TRAFFICANTE IS THAT THE JUDGE WILL ADVISE TRAFFICANTE AS TO WHAT TYPE OF MOTION(S) THAT ARE TO BE FILED THAT WOULD CAUSE HIM TO RULE FAVORABLY IN TRAFFICANTE'S FAVOR. THIS INFORMATION WAS SUPPLIED BY DREDGE.

SUMMARY:

SAC, MIAMI, BELIEVES THAT THE ONLY WAY THAT A PROSECUTABLE CASE WILL BE MADE AGAINST THE SUBJECTS IN CAPTIONED MATTER IS BY UTILIZING BODY RECORDERS, TAPING TELEPHONE CONVERSATIONS AND FACE BT

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FM MIAMI (58-623) (OC-2) P

TO DIRECTOR IMMEDIATE

ATTN: SEAN HILLY, CID.

BT

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SECTION 2 OF 2.

APPLE EYE; BRIBERY; 00: MIAMI.

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TO FACE MEETINGS. AT THIS POINT IN TIME, AND TIME IS A FACTOR, THE UCA SENARIO IS THE ONLY WAY TO OBTAIN THIS EVIDENCE.

SAC, MIAMI, DOES NOT BELIEVE THAT DREDGE WILL EVER WEAR A "WIRE" OR TESTIFY IN THIS MATTER BASED ON CONTACTS WITH DREDGE AND HIS CRIMINAL HISTORY AND PERSONALITY. ALSO, DREDGE'S CONCERN FOR HIS AND HIS FAMILY'S WELL BEING IS LEGITIMATE BASED ON THE SUBJECTS INVOLVED. DREDGE HAS ALSO ADVISED THAT HE IS NOT INTERESTED IN THE WSP.

SAC, MIAMI, BELIEVES THAT THE BUREAU'S POSITION SHOULD BE THAT DREDGE BE OFFERED THE RULE 20 OPPORTUNITY IN EXCHANGE FOR HIS COOPERATION AND INTRODUCTION OF THE UCA TO BORDERS. IF THAT OCCURS, THEN THE SENTENCING JUDGE, IN CAMERA, WOULD BE ADVISED OF DREDGE'S COOPERATION. IT IS NOTED THAT DREDGE IS AWARE THAT HIS SENTENCES WOULD BE AT THE DISCRETION OF A USDC JUDGE AND NOTHING COULD BE PROMISED RE THE FINAL SENTENCE.

SAC, MIAMI, REQUESTS THAT THIS POSITION BE STRONGLY FURTHERED AT WHATEVER LEVEL WITH THE APPROPRIATE DOJ OFFICIALS.

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RESPONDENT'S EXHIBIT #15 AUGUST 26, 1981

FM MIAMI (58-623) (OC-2) P

TO DIRECTOR IMMEDIATE

ATTENTION: SEAN HILLY, CRIMINAL INVESTIGATIVE DIVISION.

BT

UNCLAS

APPLE EYE; BRIBERY; OO: MIAMI.

REFERENCE MIAMI TELETYPE TO BUREAU, JULY 23, 1981; MIAMI TELETYPES TO BUREAU, AUGUST 24 AND 25, 1981; MIAMI TELCALL TO BUREAU, AUGUST 26, 1981.

ON AUGUST 26, 1981, CONTACT MADE WITH WILLIAM C. DREDGE IN MIAMI, FLORIDA, AT WHICH TIME HE RELATED THE FOLLOWING INFORMATION:

1. WILLIAM BORDERS TELEPHONICALLY CONTACTED HIM FROM WASHINGTON, D.C., AND ADVISED THAT HE NEEDED TO TALK TO DREDGE. DREDGE ADVISED BORDERS THAT HE (DREDGE) WOULD BE IN WASHINGTON, D.C., ON AUGUST 27 TO 29, 1981.

2. DREDGE STATED THAT HE WOULD BE WILLING TO PLEAD, UNDER

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W. J. Murphy

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United States Senate
EVIDENTIARY HEARINGS
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THE PROVISIONS OF RULE 20, IN MIAMI, FLORIDA, TO ONE OF THE FELONY COUNTS OF THE EIGHT COUNT INDICTMENT CURRENTLY PENDING AGAINST HIM IN BALTIMORE FOR WHICH HE IS SCHEDULED TO GO TO TRIAL ON SEPTEMBER 14, 1981.

3. DREDGE ADVISED THAT HE IS NOT WILLING TO RECORD CONVERSATIONS OR TESTIFY IN CAPTIONED MATTER OR THE BRIBERY SOLICITATION INVOLVING THE ROMANO BROTHERS. (SEE JULY 23, 1981, RETEL). HE ADVISED ~~THAT IF~~ HE WERE EVER TO BE SUBPOENAED TO A FEDERAL GRAND JURY OR TRIAL IN EITHER MATTER THAT HE WOULD "TAKE THE FIFTH" AND ACCEPT THE CONSEQUENCES.

4. DREDGE ADVISED THAT HE WOULD BE WILLING, IF AN AGREEMENT COULD BE REACHED, TO INTRODUCE A UCA TO BORDERS AS AN AUTHORIZED REPRESENTATIVE OF THE ROMANO BROTHERS. DREDGE STATED, THAT BASED ON HIS PREVIOUS REPRESENTATIONS TO BORDERS, THAT BORDERS WOULD ACCEPT THIS UCA AND DEAL WITH HIM RE THE PREVIOUSLY DISCUSSED ROMANO BROTHERS SCENARIO.

FBI, MIAMI, IS OF OPINION THAT THIS WILL TIE BORDERS INTO THE CONSPIRACY VIA RECORDING(S) MADE BY THE UCA PLUS TIE THE JUDGE IN BY THE USE OF UP-FRONT MONEY - OR - THE JUDGE'S SHOW

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OF PROOF TO THE ROMANO BROTHERS' REPRESENTATIVE, WHICH WOULD BE IN THE FORM OF STRONG CIRCUMSTANTIAL EVIDENCE. (RESTAURANT SCENE OR SOME OTHER SHOW OF PROOF THAT THE JUDGE IS WITH BORDERS).

5. ON AUGUST 26, 1981, REID WEINGARTEN, DEPARTMENT OF JUSTICE, PIS, WAS ADVISED OF THE RESULTS OF THE CONVERSATION WITH DREDGE. HE ADVISED THAT HE WILL PRESENT THE INFORMATION TO HIS SUPERIORS.

6. ON AUGUST 26, 1981, WEINGARTEN ADVISED THAT HE HAD PRESENTED THE INFORMATION TO HIS SUPERIORS AND THAT WHAT DREDGE AGREED TO DO WOULD NOT BE SUFFICIENT TO WARRANT THE DEPARTMENT OF JUSTICE TO ORDER THE UNITED STATES ATTORNEY'S OFFICE, BALTIMORE, TO AGREE TO A RULE 20 PLEAD BY DREDGE IN MIAMI.

MIAMI AT MIAMI, FLORIDA, INVESTIGATION CONTINUING.

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Date JULY 23, 1981

FM MIAMI (58-623) (WCC-1) P

TO DIRECTOR IMMEDIATE

ATTENTION: SECTION CHIEF DEAN MC WEENEY, CRIMINAL INVESTIGATIVE DIVISION.

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SECTION 1 OF 2.

SANTO TRAFFICANTE; WILLIAM BORDERS; UNITED STATES DISTRICT COURT JUDGE ALCEE HASTINGS; WILLIAM C. DREDGE; BRIBERY; OO: MIAMI.

REFERENCE MIAMI TELETYPE TO BUREAU, JULY 21, 1981.

ON JULY 22, 1981, REED WEINGARTEN, PROFESSIONAL INTEGRITY SECTION, DEPARTMENT OF JUSTICE, WASHINGTON, D.C., AND SPECIAL AGENTS, MIAMI DIVISION, INTERVIEWED STRIKE FORCE ATTORNEY MIKE CWENS AND AUSA MARTI ROGERS AT STRIKE FORCE OFFICE, MIAMI, FLORIDA. THE DETAILS OF THE INTERVIEW COINCIDE WITH THE INFORMATION SUPPLIED BY AUSA ROGERS IN RE TEL. BOTH ROGERS

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AND OWENS ADVISED THAT THEY WOULD PREPARE WRITTEN REPORTS RE THEIR INTERVIEW OF DREDGE AND SUPPLY COPIES TO FBI, MIAMI.

ON JULY 23, 1981, WILLIAM C. DREDGE, 970 N.E. 152ND STREET, NORTH MIAMI, FLORIDA, 945-9939, WAS LOCATED AT HIS RESIDENCE BY SPECIAL AGENTS, MIAMI. DREDGE AGREED TO AN INTERVIEW AT HIS PLACE OF BUSINESS, BILL'S PLACE, 12320 WEST DIXIE HIGHWAY, NORTH MIAMI, FLORIDA. UPON THE ARRIVAL AT HIS BUSINESS, DREDGE ADVISED THAT HE WOULD RATHER BE INTERVIEWED AT THE FBI OFFICE, MIAMI. HE WAS TRANSPORTED TO THE MIAMI OFFICE BY SPECIAL AGENTS.

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DREDGE WAS ADVISED THAT HE WAS BEING INTERVIEWED RELATING TO THE INFORMATION THAT HE SUPPLIED TO ROGERS AND OWENS AT THE MIAMI STRIKE FORCE OFFICE ON JULY 20-21, 1981, REGARDING A BRIBE TO BE PAID BY SANTO TRAFFICANTE TO UNITED STATES DISTRICT COURT JUDGE ALCEE HASTINGS THROUGH WILLIAM BORDERS, JR., AN ATTORNEY.

A SUMMARY OF THIS INTERVIEW WITH DREDGE IS AS FOLLOWS:

DREDGE STATED THAT HE WENT TO THE STRIKE FORCE, MIAMI, WITH HIS INFORMATION BECAUSE OF TWO REASONS: 1. TO DEAL THE

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INFORMATION FOR DISMISSAL OF THE NARCOTICS CONSPIRACY CHARGES CURRENTLY PENDING AGAINST HIM IN FEDERAL DISTRICT COURT, BALTIMORE, MARYLAND, SCHEDULED FOR TRIAL SEPTEMBER 8, 1981; AND 2. BECAUSE HE WISHED TO BRING TO SOMEONE'S ATTENTION THAT A UNITED STATES FEDERAL DISTRICT COURT JUDGE WAS CORRUPT.

DREDGE ADVISED THAT HE HAD DEALT WITH BORDERS IN THE PAST AS BORDERS HAD BEEN HIS ATTORNEY. HE ADVISED THAT IN REFERENCE TO THE BRIBE THAT IS TO BE PAID BY TRAFFICANTE TO JUDGE HASTINGS, THAT THE FOLLOWING INFORMATION WAS GAINED BY HIM: 1. THAT THERE WERE TWO PREVIOUS MEETINGS RE THE BRIBE IN WASHINGTON, D.C., PRIOR TO THE JULY 21, 1981, MEETING BETWEEN BORDERS AND TRAFFICANTE. 2. SANTO TRAFFICANTE WAS IN WASHINGTON, D.C., JULY 9-10, 1981, AND STAYED AT THE RESIDENCE OF A MUTUAL FRIEND. DREDGE AND THE FRIEND'S WIFE WENT TO DINNER AT A RESTAURANT; THE FRIEND AND TRAFFICANTE WERE AT THE SAME RESTAURANT AT A SEPARATE TABLE. DREDGE ASSUMES THAT THIS ARRANGEMENT WAS PART OF THE DEAL. HE ADVISED THAT A REPORTER ATTEMPTED A CONVERSATION WITH THE GAMBLER ON TWO OCCASIONS. HE FEELS THAT THIS REPORTER COULD IDENTIFY TRAFFICANTE.

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IT IS NOTED THAT TRAFFICANTE IS CURRENTLY ON BOND AND WOULD NOT BE ALLOWED UNAUTHORIZED TRAVEL TO WASHINGTON, D.C.

3. ON JULY 18, 1981, A MEETING WAS HELD IN WASHINGTON, D.C., BETWEEN JUDGE HASTINGS AND BORDERS RE THE BRIBE.

4. ON JULY 21, 1981, DREDGE WAS TO PICK UP BORDERS AT THE MIAMI INTERNATIONAL AIRPORT AND TAKE HIM TO A MEETING WITH EITHER TRAFFICANTE OR HASTINGS, POSSIBLY BOTH. THIS REQUEST TO BE PICKED UP WAS MADE TELEPHONICALLY BY BORDERS ON JULY 20, 1981. BORDERS WAS TO RETURN THE SAME EVENING TO BALTIMORE BECAUSE OF COURT COMMITMENT THERE ON JULY 22, 1981.

IT IS NOTED REFERENCED TELETYPE DETAILS BORDERS' ACTIVITIES WHILE IN MIAMI, FLORIDA, ON JULY 21, 1981.

5. DREDGE BELIEVES THAT HIS ABLILTY TO LEARN MORE INFORMATION ABOUT THIS MATTER IS LIMITED SINCE BORDERS IS DEALING DIRECTLY WITH TRAFFICANTE AND THE JUDGE.

DREDGE MADE AVAILABLE ADDITIONAL INFORMATION AS IT RELATES TO BORDERS' REQUEST TO HIM TO CONTACT FRANK AND THOMAS RAMANO, TWO INDIVIDUALS RECENTLY CONVICTED AND SENTENCED ON RICO AND TAX VIOLATIONS BEFORE JUDGE HASTINGS.

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IT IS NOTED THAT THIS MATTER IS THE SUBJECT OF MIAMI FILE NUMBER 183-277, TITLED "PROBEX; RICO; BUFILE 183-1099." ALSO, EACH BROTHER WAS SENTENCED TO SERVE THREE YEARS IN PRISON ON EACH OF EIGHTEEN COUNTS, TO RUN CONCURRENTLY AND FOLLOWED BY THREE YEARS OF PROBATION. THEY WERE ALSO ORDERED BY JUDGE HASTINGS TO FORFEIT $1.2 MILLION. THE ROMANO'S WERE CONVICTED ON DECEMBER 23, 1980, AND SENTENCED ON JULY 8, 1981.

1. DREDGE STATED THAT HE WAS APPROACHED BY BORDERS TO APPROACH THE ROMANO BROTHERS FOR $150,000 TO FIX THEIR CASE. THIS WAS TO BE PRIOR TO THE SENTENCING DATE AND THAT BORDERS WAS DOING THIS ON INSTRUCTIONS FROM JUDGE HASTINGS.

2. DREDGE ADVISED THAT HE DID NOT WANT TO GET INVOLVED AND THAT HE NEVER APPROACHED THE ROMANO BROTHERS.

3. DREDGE STATED THAT HE TOLD BORDERS THAT THE ROMANO'S WERE NOT INTERESTED IN A DEAL BECAUSE THEY ALREADY HAD ONE.

4. DREDGE WAS RECONTACTED BY BORDERS WHO ADVISED DREDGE THAT "THEY MUST BE CRAZY, THAT THEY COULD NOT HAVE A DEAL AND THAT THE JUDGE COULD NOT BELIEVE THAT THEY WOULD NOT COME UP WITH $150,000." DREDGE WAS ASKED TO RECONTACT THE ROMANO'S.

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DREDGE STATED THAT HE TOLD BORDERS THAT HE HAD RECONTACTED THE ROMANO'S AND THAT THEY SAID THEY DID NOT HAVE THE MONEY.

DREDGE STATED THAT HE WOULD BE WILLING TO COOPERATE IN THE INVESTIGATION OF BORDERS AS IT RELATES TO THE SOLICITATION OF THE ROMANO'S.

IT IS NOTED THAT FBI, MIAMI, AND REED WEINGARTEN IN AGREEMENT THAT FOCUSING INVESTIGATION ON BORDERS BY REACTIVATING THE ROMANO SOLICITATION IS THE MOST LOGICAL METHOD OF MAKING THE CASE. IN EXCHANGE FOR HIS COOPERATION, DREDGE WOULD LIKE CONSIDERATION. WHAT DREDGE WILL AGREE TO DO AND WHAT HE WANTS WAS DISCUSSED WITH HIM BY MIAMI SPECIAL AGENTS.

THE FOLLOWING LIST SUMMARIZED THE POINTS TO BE INCLUDED IN AN AGREEMENT TO BE NEGOTIATED BY THE DEPARTMENT OF JUSTICE AND WILLIAM C. DREDGE. DREDGE STATED THAT HE UNDERSTOOD THAT NO PROMISES, THREATS OR COERCION HAD BEEN USED IN THE DISCUSSION BETWEEN BUREAU AGENTS AND HIM REGARDING THIS AGREEMENT. HE WAS ADVISED THAT THIS AGREEMENT WOULD BE PRESENTED TO DEPARTMENT OFFICIALS FOR THEIR INSPECTION AND APPROVAL.

1. DREDGE AGREES TO RECORD ANY CONVERSATIONS WITH WILLIAM

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FM MIAMI (58-623) (WCC-1) P

TO DIRECTOR IMMEDIATE

ATTENTION: SECTION CHIEF SEAN MC WEENEY, CRIMINAL INVESTIGATIVE DIVISION.

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SECTION 2 OF 2.

SANTO TRAFFICANTE; WILLIAM BORDERS; UNITED STATES DISTRICT COURT JUDGE ALCEE HASTINGS; WILLIAM C. DREDGE; BRIBERY;

OO: MIAMI.

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BORDERS, JR., ATTORNEY, REGARDING THE BRIBERY OF UNITED STATES DISTRICT JUDGE ALCEE HASTINGS IN BEHALF OF THE ROMANO BROTHERS, BOTH TELEPHONIC AND BODY RECORDER.

2. DREDGE AGREES TO TESTIFY AGAINST WILLIAM BORDERS, JR., IN THIS MATTER.

3. DREDGE AGREES TO FULLY COCPERATE WITH SPECIAL AGENTS OF THE FBI IN THIS MATTER.

4. DREDGE AGREES TO BE POLYGRAPHED IN THIS MATTER PRIOR TO THE AGREEMENT BEING SIGNED AND AT ANY FUTURE TIME RELATIVE TO INFORMATION THAT HE SUPPLIES AND HIS ACTIONS RELATIVE TO THE BORDERS, HASTINGS, ROMANO BROTHERS MATTER.

5. IN EXCHANGE FOR HIS FULL AND COMPLETE COOPERATION IN THIS MATTER, THE DEPARTMENT OF JUSTICE WILL AGREE TO DISMISS THE PENDING CHARGES CURRENTLY OUTSTANDING AGAINST DREDGE INVOLVING A NARCOTICS CONSPIRACY MATTER IN FEDERAL DISTRICT COURT, BALTIMORE.

IT IS NOTED THAT THE ABOVE LISTED POINTS ARE PRELIMINARY AND GENERAL AND IT IS NECESSARY THAT MORE SPECIFIC REFINEMENT OF THESE POINTS BE MADE BY THE DEPARTMENT OF JUSTICE. A COPY OF

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342 THIS LIST HAS BEEN MADE AVAILABLE TO REED WEINGARTEN, PIS, DEPARTMENT OF JUSTICE.

ON JULY 23, 1981, WEINGARTEN ADVISED THAT HE WAS RETURNING TO WASHINGTON, D.C., AND THAT HE WOULD DO THE FOLLOWING: 1. DETERMINE THE DETAILS RE DREDGE'S PENDING TRIAL IN BALTIMORE. 2. CONTACT THE UNITED STATES ATTORNEY, DISTRICT OF COLUMBIA, RE DETAILS OF CURRENT INVESTIGATION OF BORDERS ON SIMILAR CHARGES. 3. DETERMINE THROUGH DEPARTMENT OF JUSTICE IF AN AGREEMENT WITH DREDGE CAN BE REACHED.

MIAMI AT MIAMI, FLORIDA, INVESTIGATION CONTINUING.

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RESPONDENT'S EXHIBIT #19

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United States Senate
Date 7/30/81
EVIDENTIARY HEARINGS
RESPONDENT'S EXHIBIT 19

FM MIAMI (58-623) (OC-2) (P)

TO DIRECTOR IMMEDIATE 2532

(ATTENTION: SEAN HILLY, CID)

WASHINGTON FIELD OFFICE (159-453) (SQ C-6) ROUTINE

(ATTENTION: SA ROBERT FOSTER)

BT

UNCLAS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 8-18-87 BY SP5CJ/jac

SANTO TRAFFICANTE; WILLIAM BORDERS; USDC JUDGE ALCEE HASTINGS; WILLIAM C. DREDGE; BRIBERY; OO: MIAMI.

RE MIAMI TELETYPE TO BUREAU, JULY 28, 1981 AND MIAMI TELEPHONE CALL TO BUREAU, JULY 30, 1981.

ON JULY 30, 1981, REED WEINGARTEN, PROFESSIONAL INTEGRITY SECTION, DEPARTMENT OF JUSTICE, FTS 724-7099, TELEPHONICALLY ADVISED:

1) CONVERSATION HELD WITH AUSA, BALTIMORE, WHO IS HANDLING PROSECUTION OF DREDGE ON NARCOTICS MATTER, AND AUSA, BALTIMORE ADVISED THAT THEIR GOOD CASE AGAINST DREDGE INCLUDED A SEVEN

1 -Miami
WJM/abh
(1)

Approved: _____ Transmitted 007 (Number) _____ (Time) Per _____

FD-32 (Rev. 5-22-78)

FBI

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Date _____

PAGE TWO MM (58-623) (OC-2) UNCLAS

COUNT INDICTMENT CHARGING DREDGE WITH CONSPIRACY, SEVERAL COUNTS OF PARTICIPATION AND A COUNT OF VIOLATING THE TRAVEL ACT. HE WAS ADVISED THAT DREDGE DELIVERED ALL OF THE QUALLUDES (25,000) IN EACH OF FOUR DELIVIES AND RECEIVED MOST OF THE MONIES INVOLVED. ALSO, THERE IS HARD EVIDENCE INVOLVING DREDGE WITH A CONSPIRACY TO KILL ONE WITNESS AND BRIBE ANOTHER IN THE MATTER.

THE USA'S OFFICE BALTIMORE ADVISED THAT THEY WOULD NOT CONSIDER DISMISSAL UNLESS DREDGE WERE TO PLEAD GUILTY TO ONE OF THE COUNTS AND COMPLETELY COOPERATE IN THE NARCOTICS MATTER.

2) IF, WHEN THE AGREEMENT IS PRESENTED TO DREDGE (RETEL) WITH THE USA BALTIMORE'S REQUIREMENT, AND HE DECIDES TO COOPERATE, THEN DREDGE'S BALTIMORE ATTORNEY, ROGER SPADER, WILL HAVE TO BE BROUGHT INTO THE NEGOTIATIONS.

WEINGARTEN WAS ADVISED THAT ARRANGEMENTS WERE BEING MADE TO INTERVIEW DREDGE ON JULY 31, 1981.

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RESPONDENT'S EXHIBIT #22

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1245 P

Date OCTOBER 8, 1981

United States Senate
EVIDENTIARY HEARINGS
RESPONDENT'S EXHIBIT 22

FM MIAMI (58-623) (OC-2) P

(ATTN: SA WILLIAM J. MURPHY)

TO DIRECTOR IMMEDIATE 1252 PM

(ATTN: SEAN HILLY, CID)

WASHINGTON FIELD (58-1899) (C-6) IMMEDIATE 1449 10/8

(ATTN: SA BOB FOSTER)

BT

UNCLAS

APPLE EYE; BRIBERY; OO: MIAMI.

RE WASHINGTON FIELD TELETYPE TO BUREAU AND MIAMI DATED OCTOBER 5, 1981, AND MIAMI TELEPHONE CALLS TO BUREAU AND WASHINGTON FIELD, OCTOBER 6 AND OCTOBER 7, 1981.

ON OCTOBER 7, 1981, MIKE OWENS, ASSISTANT STRIKE FORCE ATTORNEY, MIAMI, FLORIDA, ADVISED OF THE FOLLOWING CONVERSATION THAT HE HAD WITH JUDGE HASTINGS' LAW CLERK. (FNU) MILLER, IN THE JUDGE'S OFFICE ON OCTOBER 6, 1981:

1) OWENS OBSERVED THE TOP PAGE OF THE ORDER AND OBSERVED

2 - Miami
WJM/lsa
(1)

Searched
Indexed
Serialized
Filed

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THAT IT INVOLVED U.S. VS. FRANK AND THOMAS ROMANO.

2) MILLER RELATED TO HIM: A) MILLER HAD BEEN WORKING ON THE FINAL DRAFT OF THE ORDER ALL DAY BECAUSE THE JUDGE WANTED IT OUT BY THE END OF THE DAY (OCTOBER 6, 1981); B) THE ORDER RESCINDED THE FORFEITURE PREVIOUSLY ORDERED BY THE JUDGE REGARDING COUNTS ONE AND SIX OF THE INDICTMENT. (MONETARY VALUE PER JAMES DIECHERT, STRIKE FORCE, ATTORNEY OF RECORD, APPROXIMATELY $830,000.); C) THE ORDER STATES THAT THIS ACTION IS BEING TAKEN BECAUSE OF TWO RECENT FIFTH CIRCUIT COURT OF APPEALS DECISIONS WHICH STATED THAT CERTAIN TYPES OF FORFEITURES UNDER THE RICO STATUTE ARE NOT VALID. (U.S. VS. MARTINO); D) IN THE ORDER THE JUDGE STATED THAT HE DID NOT AGREE WITH THESE DECISIONS BUT THAT HE HAD NO CHOICE BUT TO RESCIND THE FORFEITURE; E) IT IS NOTED THAT NOT ALL OF THE FORFEITURE WAS RESCINDED. (AS IT APPLIES TO THE SEA INN RESTAURANT, HALLANDALE, FLORIDA, AND THE APPRECIATION ON THE RESTAURANT, APPROXIMATELY $234,000 AND $81,000.) THIS FITS WITH THE STATEMENT BY BORDERS TO THE UCA THAT A SUBSTANTIAL PORTION OF THE PROPERTY THAT HE (ROMANO) LOST WOULD BE RETURNED.

ON OCTOBER 7, 1981, AT APPROXIMATELY 12:20 PM, A CALL WAS

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Date _____

PAGE THREE MM 58-623 UNCLAS

PLACED BY THE UCA TO BORDERS WHICH ADVISED THAT THE UCA HAD NOT RECEIVED THE ORDER AND THAT HE WANTED TO FINISH THE TRANSACTION BY THE END OF THIS WEEK. BORDERS REPLIED THAT THE ORDER WENT OUT YESTERDAY (OCTOBER 6, 1981) AND THAT HE PROBABLY COULD NOT TRAVEL TO MIAMI THIS WEEK. BORDERS ADVISED THAT HE WOULD CALL THE UCA AFTER 6:30 PM (SAME DATE).

ON OCTOBER 7, 1981, AT APPROXIMATELY 8:00 PM, BORDERS TELEPHONICALLY CONTACTED THE UCA AT WHICH TIME THE UCA ADVISED BORDERS THAT HE RECEIVED THE ORDER AND THAT EVERYTHING WAS FINE. THE UCA ADVISED HIM THAT HE WOULD STILL LIKE TO COMPLETE THE TRANSACTION BY THIS WEEKEND. BORDERS ADVISED THAT HE COULD NOT TRAVEL TO MIAMI AND INQUIRED IF THE UCA COULD COME TO WASHINGTON, D.C. THE UCA STATED THAT HE PROBABLY COULD AND ASKED BORDERS WHAT KIND OF ARRANGEMENTS SHOULD THEY MAKE. BORDERS REPLIED, "JUST CALL ME WHEN YOU GET HERE."

ON OCTOBER 7, 1981, AT APPROXIMATELY 3:25 PM, WILLIAM DREDGE CALLED SA WILLIAM J. MURPHY AND ADVISED HIM THAT HE JUST RECEIVED A CALL FROM BORDERS WHO REQUESTED HIM TO RETURN HIS CALL FROM A PAY PHONE. DREDGE STATED HE WAS AT THE PAY PHONE AT THAT TIME AND

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Date _____

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WOULD CALL SA MURPHY AFTER HE (DREDGE) SPOKE WITH BORDERS.

ON OCTOBER 7, 1981, AT APPROXIMATELY 3:40 PM, DREDGE CALLED SA MURPHY AND ADVISED THAT HE JUST SPOKE WITH BORDERS AND THAT BORDERS REQUESTED DREDGE TO BRING A "PACKAGE" FROM MIAMI TO BORDERS. DREDGE MADE EXCUSES AND STATED TO BORDERS THAT HE COULD NOT DO IT.

AT APPROXIMATELY 4:00 PM, DREDGE AGAIN CALLED SA MURPHY AND ADVISED THAT BORDERS CALLED HIM BACK AT THE PAY PHONE AND EXPRESSED CONCERN REGARDING HIS DEALING WITH THE UCA. THE COMMENTS MADE BY BORDERS INCLUDED "GETTING BAD VIBES" AND THE "GUY IS REALLY ANXIOUS". DREDGE STATED THAT HE TRIED TO ASSURE BORDERS THAT THE UCA WAS OKAY.

ON OCTOBER 8, 1981, SA BOB FOSTER, WASHINGTON FIELD, TELEPHONICALLY ADVISED SA MURPHY THAT AT 9:37 AM, BORDERS RECEIVED A CALL FROM JUDGE HASTINGS, WHO STATED THAT HE WAS IN ALBANY, GEORGIA, AND WOULD TRAVEL TO WASHINGTON, D.C. ON OCTOBER 9, 1981, VIA EASTERN AIRLINES, FLIGHT 130, ARRIVING AT NATIONAL AIRPORT AT 10:40 AM. HE ADVISED THAT HE HAD RESERVATIONS TO STAY AT THE WASHINGTON HILTON BUT WOULD RATHER STAY AT L'ENGANT PLAZA (PH). BORDERS STATED THAT IT COULD BE ARRANGED. NO APPARENT DISCUSSIONS

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Date _____

PAGE FIVE MM 58-623 UNCLAS

OCCURRED REGARDING THE CONSPIRACY OR AS TO BORDERS MEETING THE JUDGE AT THE AIRPORT.

CURRENT SCENARIO FOR ARREST: 1) UCA WILL CALL BORDERS AND ADVISE THAT HE WILL BE IN WASHINGTON, D.C., OCTOBER 9, 1981, TO MAKE FINAL PAYMENT; 2) SURVEILLANCE COVERAGE WILL BE PROVIDED ON BORDERS AND THE JUDGE; 3) ATTEMPT WILL BE MADE TO HAVE PAYOFF AT AIRPORT OR HOTEL LOBBY NEAR AIRPORT; 4)AFTER UCA PAYS BORDERS, HE WILL BE ALLOWED TO WALK AWAY FROM MEETING AND THEN ARRESTED BY BUREAU AGENTS WHO HAVE OBSERVED MEETING.5) BORDERS WILL BE INTERVIEWED AND ATTEMPT MADE TO GAIN HIS COOPERATION, DEPENDING ON BORDERS INTERVIEW STEPS 6, 7, 8, WILL CHANGE. 6) JUDGE WILL BE INTERVIEWED IN WASHINGTON, D.C.; 7)JUDGE'S STAFF WILL BE INTERVIEWED SIMULTANEOUSLY WITH JUDGE'S INTERVIEW; 8) APPROPRIATE SUBPOENAES WILL BE SERVED IN WASHINGTON, D.C. AND MIAMI AREAS FOR FINANCIAL AND PERSONAL RECORDS, ETC.

WASHINGTON FIELD, AT WASHINGTON, D.C., ARRANGE FOR SURVEILLANCE COVERAGE OF BORDERS ANTICIPATING THE PAYOFF MEETING.

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Date _____

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ARRANGE FOR SURVEILLANCE COVERAGE OF JUDGE HASTINGS UPON ARRIVAL IN WASHINGTON, D.C., UNTIL INTERVIEW.

MIAMI, AT MIAMI, FLORIDA, OBTAIN APPROPRIATE SUBPOENAES REGARDING POINT NUMBER EIGHT OF SCENARIO.

PREPARE TO TRAVEL TO WASHINGTON, D.C., FOR ARREST AND INTERVIEWS.

ADMINISTRATIVE

UACB, SUPERVISOR ANTHONY AMOROSO, JR., SA WILLIAM J. MURPHY AND H. PAUL RICO (UCA) WILL TRAVEL VIA EASTERN AIRLINES ARRIVING WASHINGTON, D.C., EVENING OF OCTOBER 8, 1981. SACS, MIAMI AND WASHINGTON FIELD CONCUR.

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9/23/81

RESPONDENT'S EXHIBIT #23

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FM MIAMI (58-623) (OC-2) P

TO DIRECTOR IMMEDIATE

ATTENTION: SEAN MILLY, CID

WFO (58-1899) (C-6) IMMEDIATE

ATTENTION: SA DALE BYRD

BT

UNCLAS

APPLE EYE; BRIBERY, 00:MIAMI.

RE MIAMI TELETYPE TO BUREAU, SETPEMBER 20, 1981, AND MIAMI TELCALLS TO BUREAU AND WFO, SEPTEMBER 22, 1981.

REFERENCED TELETYPE CALLS WERE MADE TO DISCUSS THE MATTER OF INITIATING TITLE III, ELSUR COVERAGE OF THE TELEPHONES OF WILLIAM A. BORDERS, JR., AT HIS RESIDENCE, 28 50TH STREET, NORTHEAST, WASHINGTON, D.C., AND PLACE OF BUSINESS, COBB, BORDERS AND WILLIAMS, P.C., 1621 NEW HAMPSHIRE AVENUE, NORTHWEST, WASHINGTON, D.C.

ON SEPTEMBER 22, 1981, REID WEINGARTEN, PROFESSIONAL INTEGRITY SECTION, DEPARTMENT OF JUSTICE, WASHINGTON, D.C., ADVISED THAT HE

58-10762-22X3

Informative Note
1- ENCLOSURE Attached

United States Senate
EVIDENTIARY HEARINGS
RESPONDENT'S EXHIBIT 23
OCT 8 1981

CALLED: BUNDICK
SDB Time 1946

79 DEC 17 1981

FOIA ELSUR

CONCURRED IN THE USE OF THIS ELSUR COVERAGE AND THAT HE WOULD AID IN THE PREPARATION OF THE NECESSARY AFFIDAVIT AND APPLICATION. HE STATED THAT AS A NECESSARY PRELIMINARY STEP TO THE OBTAINING OF THE TITLE III ORDER THAT PEN REGISTERS SHOULD BE INSTALLED ON THE LINES IN QUESTION. HE STATED THAT HE WOULD ASSIST IN THE PREPARATION OF THE APPLICATION AND ORDER FOR THE INSTALLATION OF THE PEN REGISTERS.

ON SEPTEMBER 23, 1981, HE ADVISED THAT HE WAS SEEKING ELECTRONIC SURVEILLANCE COVERAGE BECAUSE OF THE FOLLOWING REASONS:

1. HE ADVISED THAT IN ADDITION TO THE TWO SHOWS OF PROOF BY JUDGE HASTINGS, (I.E., THE SEPTEMBER 16, 1981 DINNER AT THE FONTAINEBLEAU AND THE UNILATERAL ORDER BY THE JUDGE TO RETURN A SUBSTANTIAL PORTION OF THE PROPERTY TO THE ROMANO BROTHERS WITHIN TEN DAYS OF THE SEPTEMBER 19, 1981 PAYMENT TO WILLIAM BORDERS) THAT ADDITIONAL CORROBORATING EVIDENCE IS NEEDED FOR A STRONGER PROSECUTABLE CASE AGAINST JUDGE HASTINGS.

2. HE STATED THAT EVEN WITH THE SHOWS OF PROOF THE JUDGE COULD POSSIBLY JUSTIFY HIS ACTIONS AS BEING COINCIDENTAL AND/OR DISCRETIONARY.

3. HE STATED THAT THERE IS A NEED FOR THIS ELSUR COVERAGE

BECAUSE THERE IS NO POSSIBILITY FOR DIRECT CONTACT BETWEEN THE JUDGE AND THE UCA.

HE ADVISED THAT HE WOULD BE SEEKING APPROVAL FOR PEN REGISTER AND ULTIMATELY ELSUR COVERAGE ON THE RESIDENCE AND BUSINESS TELEPHONES OF BORDERS AND THE RESIDENCE AND BUSINESS TELEPHONES OF JUDGE HASTINGS. HE STATED THAT DUE TO THE HIGHLY SENSITIVE NATURE OF THE INDIVIDUALS AND THEIR PROFESSIONS, EXTREME CARE SHOULD BE TAKEN REGARDING MINIMIZATION.

THE FOLLOWING IS A BRIEF CHRONOLOGICAL SCENARIO AS TO THE SHUTDOWN OF THE COVERT STAGE OF THE CAPTIONED MATTER:

1. INSTALLATION OF PEN REGISTER EQUIPMENT ON THE JUDGE AND ATTORNEY'S RESIDENCE AND BUSINESS TELEPHONES ASAP.

2. ISSUING OF THE ORDER TO RETURN PROPERTY SEIZED BY THE ROMANO BROTHERS BY SEPTEMBER 30, 1981.

3. ISSUING OF THE TITLE III ORDERS FOR ELSUR COVERAGE OF THE ABOVE TELEPHONES ASAP.

4. TELEPHONE CALLS FROM UCA TO BORDERS.

5. FINAL PAYMENT OF $125,000.00 TO BORDERS AT MIAMI INTERNATIONAL AIRPORT, OCTOBER 3, 1981, AT WHICH TIME BORDERS WILL BE

PAGE FOUR (58-623) UNCLAS

ARRESTED AND ATTEMPT MADE TO GAIN HIS COOPERATION IN CAPTIONED MATTER. DATE OF OCTOBER 3, 1981, CAN BE NEGOTIATED, UNDER SUITABLE PRETEXT, FOR REASONABLE EXTENSION OF TIME TO RAISE PAYOFF MONEY.

6. POSSIBLE INTERVIEW FD AND/OR FEDERAL GRAND JURY APPEARANCES OF JUDGE HASTINGS.

IT IS NOTED THAT THE ABOVE SCENARIO IS FLEXIBLE AND MAY BE REVISED AS THE CIRCUNSTANCES DICTATE.

IT IS REQUESTED OF THE BUREAU THAT THE ELSUR INDEX BE REVIEWED FOR JUDGE ALCEE LAMAR HASTINGS AND WILLIAM A. BORDERS, JR.

WFO, AT WASHINGTON, D.C.:

1. CONTACT REID WEINGARTEN, PIS, DOJ, REGARDING PREPARATION OF APPLICATION AND ORDER FOR PEN REGISTERS.

2. HAVE SOUND AGENTS DETERMINE IF NECESSARY EQUIPMENT IS AVAILABLE.

3. ON SEPTEMBER 23, 1981, SUBPOENAS WILL BE FACSIMILIED TO WFO TO BE EXPEDITIOUSLY SERVED ON THE C AND P TELCO REGARDING RECENT TOLL RECORDS AND TYPE OF TELEPHONE SERVICE AND EQUIPMENT FOR BORDERS' RESIDENCE AND BUSINESS.

MIAMI, AT MIAMI, INVESTIGATION CONTINUING.

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RESPONDENT'S EXHIBIT #24

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATION MESSAGE FORM

PAGE 1 OF 2

DATE	CLASSIFICATION	PRECEDENCE
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FM DIRECTOR, FBI

TO FBI, MIAMI (58-623) IMMEDIATE

PERSONAL ATTENTION SAC

FBI, WFO (58-1899) IMMEDIATE

BT

UNCLAS E F T O

APPLE EYE; BRIBERY; OO: MIAMI.

RE MIAMI TELETYPE TO DIRECTOR (ONLY) DATED 9/29/81.

RE TELETYPE REQUESTED $125,000 BRIBE MONEY WHICH HAS BEEN APPROVED BY THE DIRECTOR AND WILL BE FORWARDED TO MIAMI AS SET OUT IN REFERENCED TELETYPE.

SAC MIAMI IS INSTRUCTED THAT NO PAYMENT BE MADE FROM THIS AMOUNT TO WILLIAM BORDERS WITHOUT:

1. ADDITIONAL RECORDED INCRIMINATING CONVERSATION BETWEEN BORDERS AND UCA IMPLICATING JUDGE HASTINGS.

2. AUTHORIZATION FROM DEPARTMENT OF JUSTICE TO ARREST BORDERS UPON RECEIPT OF PAYMENT.

DO NOT TYPE PAST THIS LINE

DO NOT TYPE MESSAGE BELOW THIS LINE

APPROVED	DRAFTED BY	DATE	ROOM	TELE EXT
	TPH:MAB (3)	10/5/81	3028/L	5716

1 - [redacted]
1 - MR. HILLY

903

United States Senate
EVIDENTIARY HEARINGS
RESPONDENT'S EXHIBIT 24

58-10762-26

5 OCT 6 1981

COMMUNICATIONS CENTER
1401 EDW
OCT 5 1981

DO NOT FILE WITHOUT COMMUNICATIONS STAMP

61 OCT 26 '81

SG

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FBIHQ NOTES THAT UCA IS TO MAKE TELEPHONE CALLS TO WILLIAM BORDERS IN AN EFFORT TO GET BORDERS TO CALL JUDGE HASTINGS TO REQUEST THE JUDGE TO EXPEDITE SIGNING THE ORDER RETURNING A SUBSTANTIAL PORTION OF THE PROPERTY. CONTACT BETWEEN BORDERS AND JUDGE HASTINGS MAY NOT IN FACT, BE RECORDED, AND PAYMENT TO BORDERS SHOULD NOT BE PREDICATED UPON SAME. HOWEVER, PRIOR TO PAYMENT AND UPON ARRIVAL IN MIAMI, BORDERS SHOULD BE PLACED UNDER CONTINUED SURVEILLANCE IN HOPE THAT HE CAN BE PLACED IN PERSONAL CONTACT WITH JUDGE HASTINGS. IF THIS MEET DOES NOT OCCUR PRIOR TO SCHEDULED MEET WITH UCA, BORDERS SHOULD BE PAID BRIBE AND ARRESTED IMMEDIATELY. NO INTERVIEW OF JUDGE HASTINGS SHOULD BE AUTHORIZED PRIOR TO EXHAUSTING EFFORTS TO HAVE BORDERS' COOPERATION OBTAINED, BUT NO IMMUNITY GRANTED IN TARGETING JUDGE HASTINGS. PREMATURE INTERVIEW OF HASTINGS COULD BE UNPRODUCTIVE. HOWEVER, JUDGE HASTINGS SHOULD BE INTERVIEWED ONLY AFTER SAC IS CONVINCED THAT ADDITIONAL EFFORTS TO OBTAIN BORDERS' COOPERATION WOULD BE FRUITLESS.

BT

FROM 3/17/81
TO 3/23/81

Respondent's 27 A

AMERICAN PAD & PAPER CO./HOLYOKE, MASS. 01040

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23-020

IC 3

To Bill
Date 3/15 Time 3:45

WHILE YOU WERE OUT

M John Crum
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 3/15 Time
WHILE YOU WERE OUT
M
of
Phone 530 5700
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000275

To
Date 3/15 Time 3:45
WHILE YOU WERE OUT
M
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To
Date 3/15 Time 3:45
WHILE YOU WERE OUT
M
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

FROM 3/23/81
TO 3/31/81

Respondent's 28 A

AMPAD

AMERICAN PAD & PAPER CO./HOLYOKE, MASS. 01040

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23-020

IC 4

To Bill

Date Time

WHILE YOU WERE OUT

M [redacted] & Bird

of

Phone of home
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill

Date Time

WHILE YOU WERE OUT

M [redacted] & Barbara Ward

of

Phone at the office
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000332

To Dudley

Date Time

WHILE YOU WERE OUT

M Ben Amos

of

Phone 638-0311
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Dudley

Date Time

WHILE YOU WERE OUT

M Mature

of

Phone 572-8400
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

Respondent's 27 A

AMPAD

AMERICAN PAD & PAPER CO./HOLYOKE, MASS. 01040

Efficiency.

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IC 5

To Jim
Date 4/5 Time 2:20

WHILE YOU WERE OUT

M Stacey Prince
of
Phone 357-4131
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Nass investigations + special process Ltd

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill Burke
Date 4/5 Time 2:10

WHILE YOU WERE OUT

M Bob Taylor
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000379

To Bill
Date 4/8 Time 2:25

WHILE YOU WERE OUT

M Edward Burke
of Nat Law Journal
Phone 212 964 9400 626
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Surveyor in Re Black's in top 50 Firms. Would like you - Need hours, Comment, etc

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/8 Time 2:25

WHILE YOU WERE OUT

M Lobar Crump
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message He needs to talk w/you bfore you ~~talk~~ talk to Nat Law Journal people

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To _____ Date 4/7 Time 12:22

WHILE YOU WERE OUT

M. Mr. Houghton

of _____

Phone _____
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Will be here
Thurs Evening
Elizabeth D. Hayes

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To _____ Date 4/9 Time 11:25

WHILE YOU WERE OUT

M. Patti Kelly

of _____

Phone 213 541 1120
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message _____

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000386

from IC 5

To Bill Date 4/9 Time _____

WHILE YOU WERE OUT

M. Air Florida

of _____

Phone _____
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
#98 Direct
9:10 AM arrives 11:30 AM
4/11
Adv. round trip $388
(435 + 25)

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill Date 4/7 Time 12:00

WHILE YOU WERE OUT

M. Mr. Nesbitt

of _____

Phone 530 1533
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message _____

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To _____

Date 4/9 Time 4:2

WHILE YOU WERE OUT

M _____

of _____

Phone _____

Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message _____

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To _____

Date 4/9 Time 1:2

WHILE YOU WERE OUT

M Veronica Cerqua

of _____

Phone 353-6189

Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message Stopped by

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000388

To WAB

Date 4/9 Time _____

WHILE YOU WERE OUT

M Rick

of _____

Phone _____

Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message

Will call on
10th Today!

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To _____

Date 4/9 Time 1:0

WHILE YOU WERE OUT

M Larry Calley

of (at Watters)

Phone 635-2297

Area Code Number Extension

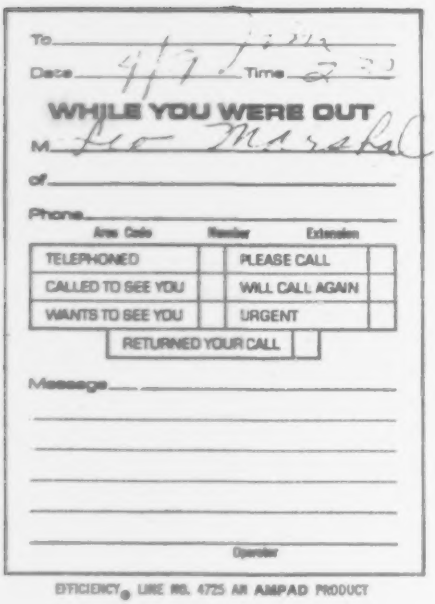
TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message after 6 at
453-3864
346-4113 wk

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

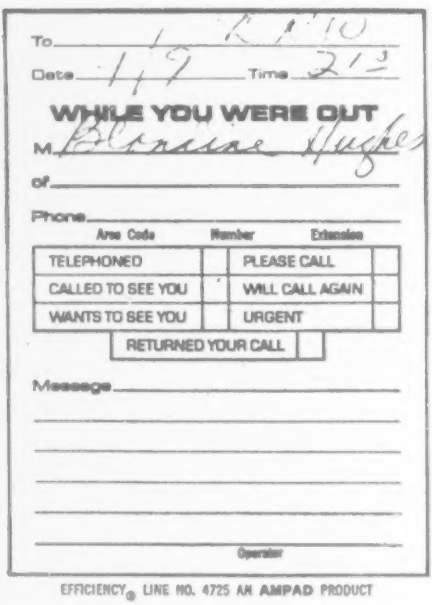


To
Date 4/7 Time 2 20
WHILE YOU WERE OUT
M. Leo Marshall
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To
Date 4/7 Time 2 15
WHILE YOU WERE OUT
M. Lorraine Hughes
of
Phone
Area Code Number Extension

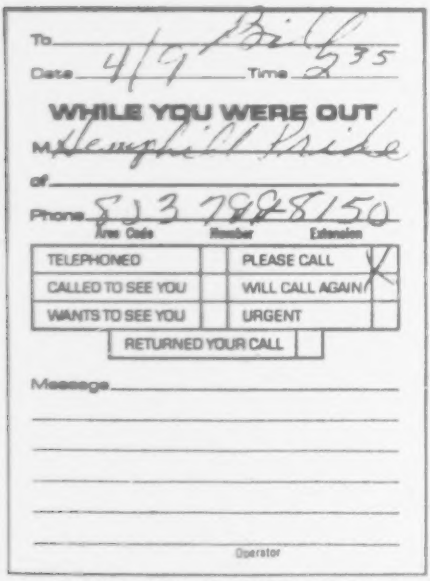
TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

from IC 5

000389

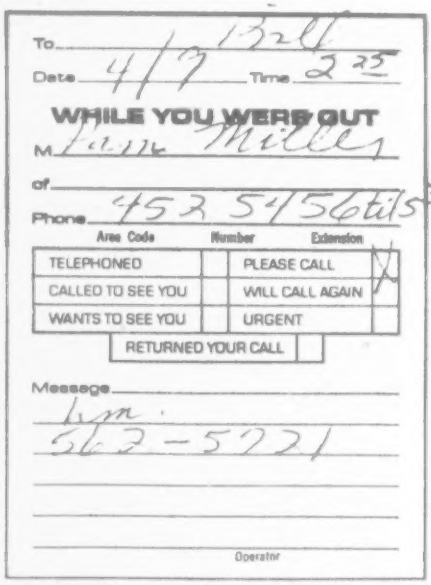


To
Date 4/7 Time 2 35
WHILE YOU WERE OUT
M. Hemphill Pride
of
Phone 543 7888150
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To
Date 4/7 Time 2 25
WHILE YOU WERE OUT
M. Pam Miller
of
Phone 452 5456 tels 30
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
bm:
562-5721
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 4/14 Time
WHILE YOU WERE OUT
M Johnnie Cravens
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Luncheon Thurs 4/16 at 12:00 Hyatt - Hall of Battle Room. Host Mayor is Dale Shaw on Patient Cruise Confirm w/ Dr Bryan Harris 633-1617
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Cindy CR WAB
Date 4/14 Time
WHILE YOU WERE OUT
M Darwyn Cook
of NAB
Phone 463-4210
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000410

To WAB
Date 4/14 Time
WHILE YOU WERE OUT
M Carolyn McElveen
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To WAB
Date 4/14 Time
WHILE YOU WERE OUT
M Community
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

FROM 4/14/81

TO 4/22/81

Respondent's 30 A

AMERICAN PAD & PAPER CO./HOLYOKE, MASS. 01040

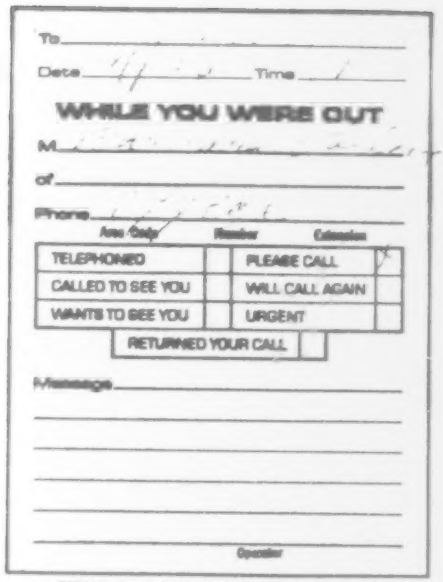
Efficiency.

WHILE YOU WERE OUT FORMS

200 CALLS/4 X 5½ REMOVABLE ORIGINALS
PERMANENT BOUND DUPLICATE/4 PER PAGE
23-020

IC6

000113



To _____

Date 4 [illegible] Time [illegible]

WHILE YOU WERE OUT

M [illegible]

of _____

Phone [illegible]

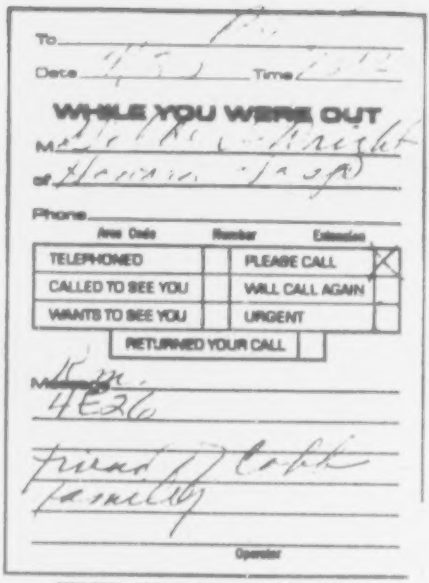
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message _____

Operator

EFFICIENCY® LINE NO. 4725 AN ABBPAD PRODUCT



To _____

Date 4 [illegible] Time [illegible]

WHILE YOU WERE OUT

M [illegible]

of [illegible]

Phone _____

Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

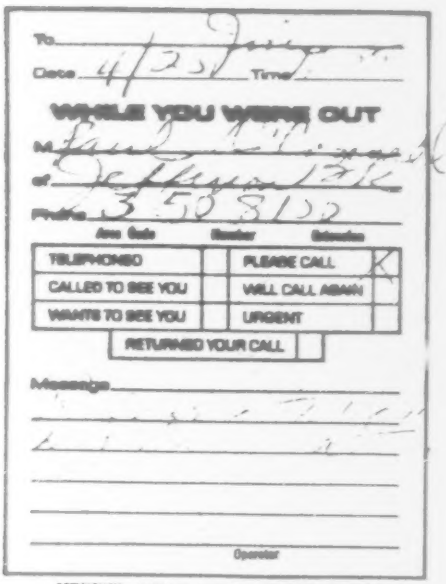
Message 4E26

Friend of Colt family

Operator

EFFICIENCY® LINE NO. 4725 AN ABBPAD PRODUCT

000442



To _____

Date 4/23 Time [illegible]

WHILE YOU WERE OUT

M [illegible]

of [illegible]

Phone 350 3102

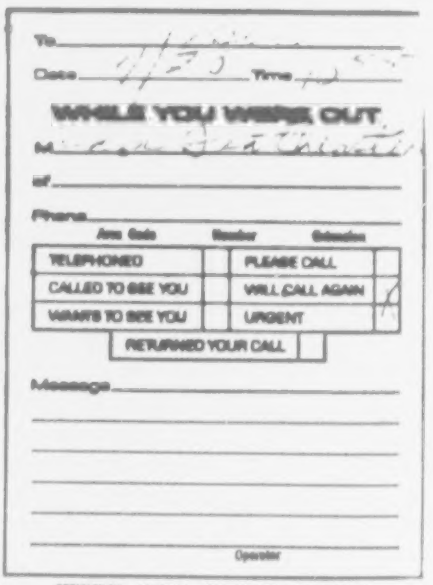
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message _____

Operator

EFFICIENCY® LINE NO. 4725 AN ABBPAD PRODUCT



To _____

Date 4/23 Time [illegible]

WHILE YOU WERE OUT

M [illegible]

of _____

Phone _____

Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	X
RETURNED YOUR CALL			

Message _____

Operator

EFFICIENCY® LINE NO. 4725 AN ABBPAD PRODUCT

To Bill

Date _____ Time _____

WHILE YOU WERE OUT

M ~~Hoppe~~

of _____

Phone 417-3257

Area Code	Number	Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message _____

Please Call Ted To
Confirm appointment
for tomorrow evening

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To _____

Date _____ Time _____

WHILE YOU WERE OUT

M _____

of _____

Phone _____

Area Code	Number	Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message _____

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

000454

To Bill

Date _____ Time _____

WHILE YOU WERE OUT

M William Dudley

of E/a

Phone _____

Area Code	Number	Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message _____

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill & Dudley

Date _____ Time _____

WHILE YOU WERE OUT

M Helen M Frank

of _____

Phone 942-7556

Area Code	Number	Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message _____

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

FROM 4/22/81

TO 5/1/81

RESPONDENT'S EXHIBIT #31 A

AMPAD

AMERICAN PAD & PAPER CO./HOLYOKE, MASS. 01040

Efficiency.

WHILE YOU WERE OUT FORMS

200 CALLS/4 X 5½ REMOVABLE ORIGINALS
PERMANENT BOUND DUPLICATE/4 PER PAGE
23-020

Ic 7

To Bill
Date 4/28 Time 5-10

WHILE YOU WERE OUT

M. M. Lee
of
Phone 529-4218
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

To A-Kelly
Date 4/25 Time

WHILE YOU WERE OUT

M. Lopez
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL	X		

Message

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

000502

To Bill
Date 4/28 Time 5-30

WHILE YOU WERE OUT

M. Barbara K Hilton
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

To A-Kelly
Date 4/28 Time 5-10

WHILE YOU WERE OUT

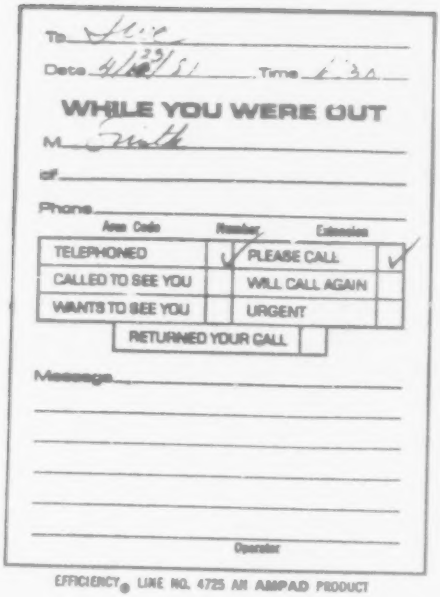
M. Carol
of *(457-1527)
Phone *736-3327
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
apt to pay Cable
bill [illegible]
[illegible]
*Please call
new no.

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT



To [illegible]
Date 4/[illegible]/81 Time 6:30

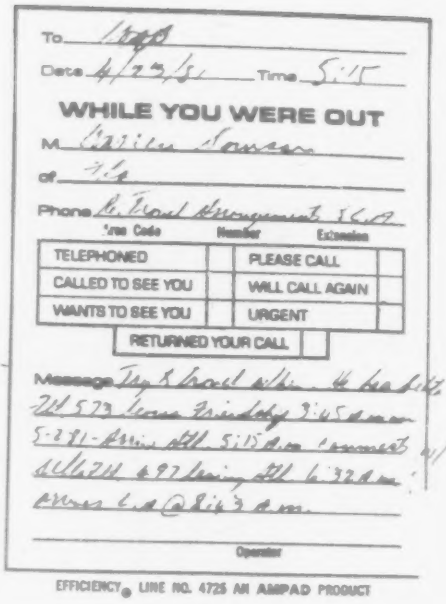
WHILE YOU WERE OUT

M Smith
of
Phone
Area Code Number Extension

TELEPHONED		✓ PLEASE CALL	✓
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AR AMPAD PRODUCT



To [illegible]
Date 4/23/81 Time 5:15

WHILE YOU WERE OUT

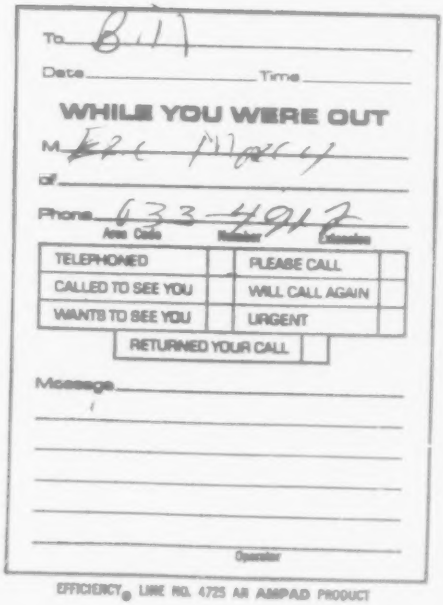
M Carlin Sowers
of [illegible]
Phone B. Ford Arrangement 1 C.A.
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Ty & Brad will be to be [illegible]
W 573 Leave Friday 9:45 a.m.
5-291 - Arrive ATL 5:15 p.m. Connect #1
1611 697 Leave ATL 6:32 p.m.
Arrive L.A. @ 8:13 p.m.
Operator

EFFICIENCY® LINE NO. 4725 AR AMPAD PRODUCT

000477



To B.T.
Date Time

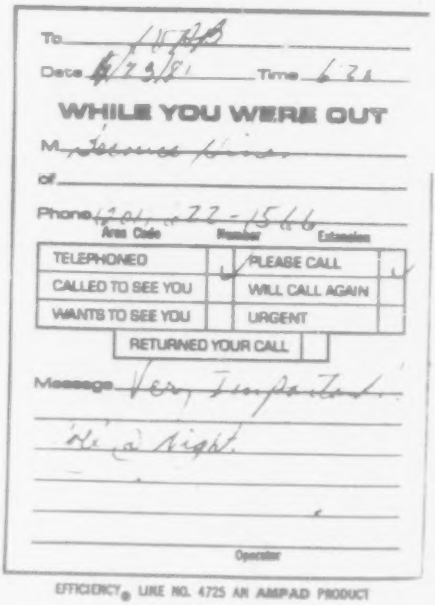
WHILE YOU WERE OUT

M [illegible]
of
Phone 633-4917
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AR AMPAD PRODUCT



To [illegible]
Date 4/23/81 Time 6:21

WHILE YOU WERE OUT

M Theresa Sowers
of
Phone 404-422-1566
Area Code Number Extension

TELEPHONED		✓ PLEASE CALL	✓
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Very Important.
He is Right.
Operator

EFFICIENCY® LINE NO. 4725 AR AMPAD PRODUCT

FROM 5/1

TO 5/7

RESPONDENT'S EXHIBIT #32 A

AMPAD

AMERICAN PAD & PAPER CO./HOLYOKE, MASS. 01040

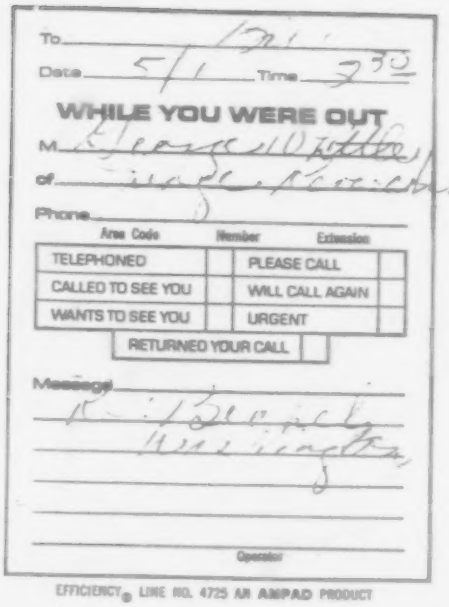
Efficiency.

WHILE YOU WERE OUT FORMS

200 CALLS/4 X 5½ REMOVABLE ORIGINALS
PERMANENT BOUND DUPLICATE/4 PER PAGE
23-020

IC 8

000522

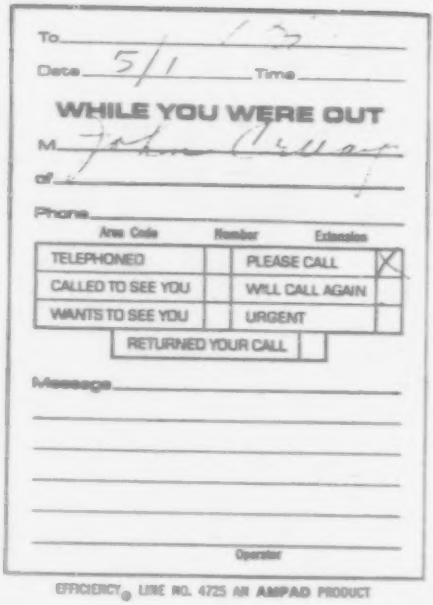


To [illegible]
Date 5/1 Time 2:30
WHILE YOU WERE OUT
M George Potter
of [illegible]
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
R: Block
[illegible]
Operator

EFFICIENCY LINE NO. 4725 AR AMPAD PRODUCT



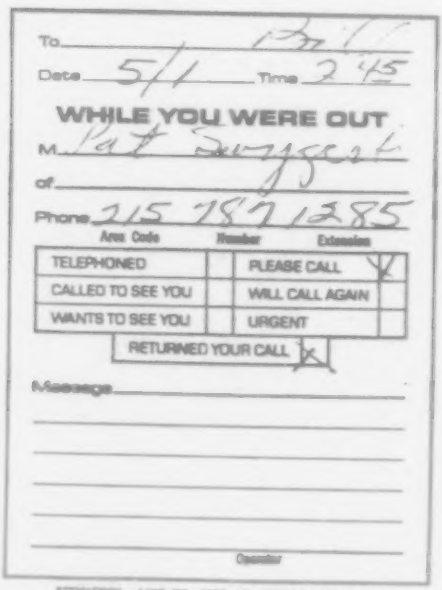
To [illegible]
Date 5/1 Time
WHILE YOU WERE OUT
M John Cullar
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY LINE NO. 4725 AR AMPAD PRODUCT

000524

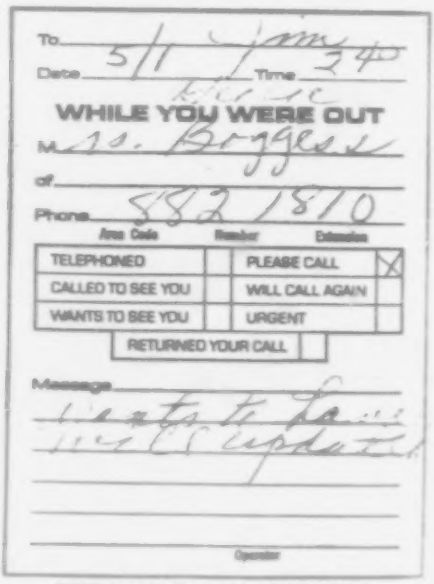


To [illegible]
Date 5/1 Time 2:45
WHILE YOU WERE OUT
M Pat Dungeat
of
Phone 215 757 1285
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL	X		

Message
Operator

EFFICIENCY LINE NO. 4725 AR AMPAD PRODUCT



To [illegible] Jim
Date 5/1 Time 2:40
WHILE YOU WERE OUT
M J. Briggs
of
Phone 582 1810
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY LINE NO. 4725 AR AMPAD PRODUCT

To [illegible]

Date 5/4 Time [illegible]

WHILE YOU WERE OUT

M [illegible]

of [illegible]

Phone [illegible]

Area Code	Number	Extension
TELEPHONED		PLEASE CALL
CALLED TO SEE YOU		WILL CALL AGAIN
WANTS TO SEE YOU		URGENT
RETURNED YOUR CALL		

Message [illegible]

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible]

Date [illegible] Time [illegible]

WHILE YOU WERE OUT

M [illegible]

of [illegible]

Phone [illegible]

Area Code	Number	Extension
TELEPHONED		PLEASE CALL
CALLED TO SEE YOU		WILL CALL AGAIN
WANTS TO SEE YOU		URGENT
RETURNED YOUR CALL		

Message [illegible]

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

from IC 8

060529

To [illegible]

Date 5/4 Time [illegible]

WHILE YOU WERE OUT

M [illegible]

of [illegible]

Phone [illegible]

Area Code	Number	Extension
TELEPHONED		PLEASE CALL
CALLED TO SEE YOU		WILL CALL AGAIN
WANTS TO SEE YOU		URGENT
RETURNED YOUR CALL		

Message [illegible]

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible]

Date 5/4 Time [illegible]

WHILE YOU WERE OUT

M [illegible]

of [illegible]

Phone [illegible]

Area Code	Number	Extension
TELEPHONED		PLEASE CALL
CALLED TO SEE YOU		WILL CALL AGAIN
WANTS TO SEE YOU		URGENT
RETURNED YOUR CALL		

Message [illegible]

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible]
Date 4/6 Time 12:25

WHILE YOU WERE OUT

M. [illegible]
of
Phone (21 115)
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message [illegible] Suppose to hand [illegible] [illegible] today
(called three times)
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible]
Date 4/6 Time 1:55

WHILE YOU WERE OUT

M. Lisa
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message He + Jesse [illegible] be in [illegible] this weekend at Sheraton [illegible] will be [illegible] there [illegible]
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

060554

To [illegible]
Date 4/6 Time 1:20

WHILE YOU WERE OUT

M. [illegible]
of
Phone 3[illegible]
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To [illegible] pm
Date 4/6 Time 1:15

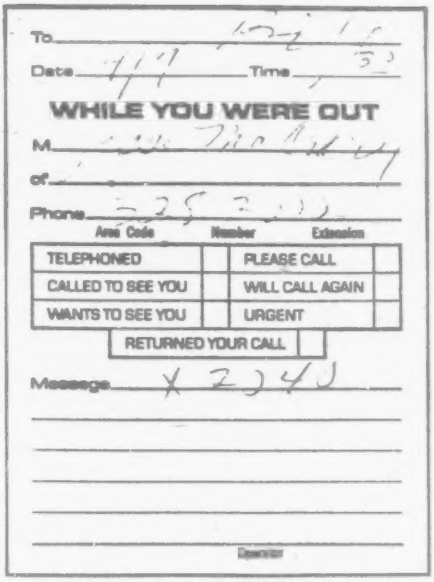
WHILE YOU WERE OUT

M. [illegible] Tammie [illegible]
of [illegible] Intra State
Phone 337 331-7373
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message R.S.V.P. [illegible] 7:00 tonight [illegible] Group / Central [illegible] Committee [illegible] can [illegible] Jim
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To [illegible]
Date 4/4 Time [illegible]

WHILE YOU WERE OUT

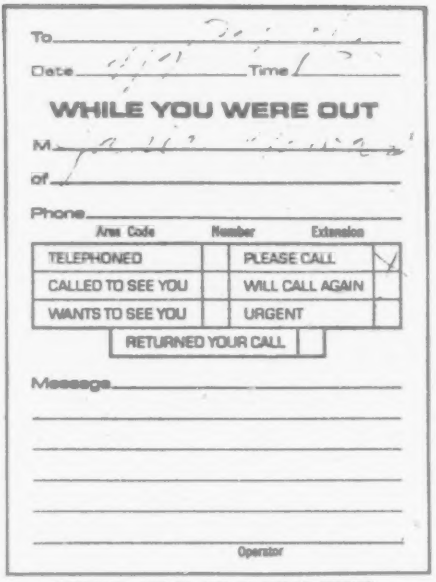
M [illegible]
of [illegible]
Phone [illegible]
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message X 2345

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT



To [illegible]
Date 4/4 Time [illegible]

WHILE YOU WERE OUT

M [illegible]
of [illegible]
Phone [illegible]
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

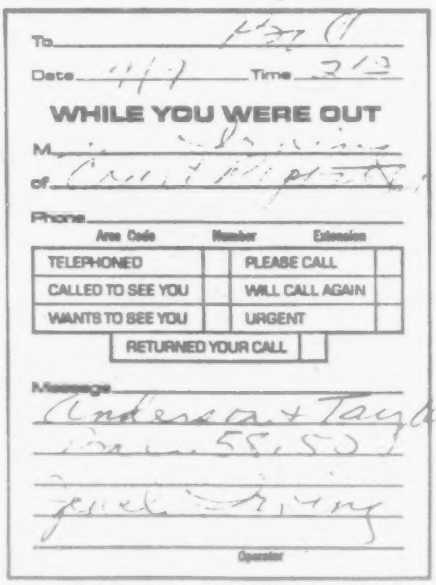
Message [illegible]

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

from IC 8

000563



To [illegible]
Date 4/4 Time 2:13

WHILE YOU WERE OUT

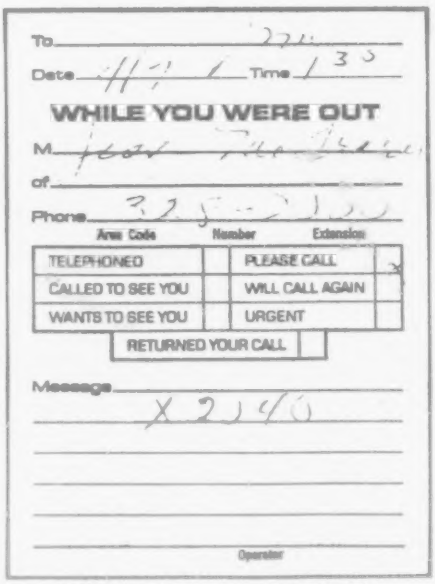
M [illegible]
of [illegible]
Phone [illegible]
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Anderson + Taylor
[illegible] 55.50
[illegible]

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT



To [illegible]
Date 4/4 Time 1:30

WHILE YOU WERE OUT

M [illegible]
of [illegible]
Phone [illegible]
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message X 2340

Operator

EFFICIENCY LINE NO. 4725 AN AMPAD PRODUCT

Date 4/1 Time 2:1?

WHILE YOU WERE OUT

M. [illegible]

of

Phone 331-7551

Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Steve Read
[illegible]
Read
#5 [illegible]

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

Date 4/1 Time 2:2

WHILE YOU WERE OUT

M. [illegible]

of

Phone

Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

[illegible] wants a
check. - has
been here
Twice

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

060564

To [illegible]

Date 4/1 Time 3:0

WHILE YOU WERE OUT

M. [illegible]

of

Phone

Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To [illegible]

Date 4/1 Time 3:5

WHILE YOU WERE OUT

M. [illegible]

of

Phone

Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

FROM 5/7/81

TO 5/18/81

Respondent's 33 A

AMERICAN PAD & PAPER CO./HOLYOKE, MASS. 01040

Efficiency.

WHILE YOU WERE OUT FORMS

200 CALLS/4 X 5½ REMOVABLE ORIGINALS
PERMANENT BOUND DUPLICATE/4 PER PAGE
23-020

IC 9

000572

To Bill
Date 5/11 Time

WHILE YOU WERE OUT

M Jesse McCrary
of
Phone 325 576 1500
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 5/11 Time 1310

WHILE YOU WERE OUT

M John Turner
of
Phone 232 2300
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

from
IC 9

000586

To Bill
Date 5/11 Time 1215

WHILE YOU WERE OUT

M Jason Strand
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 5/11 Time 1215

WHILE YOU WERE OUT

M Miss Betty
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 5/11 Time 245

WHILE YOU WERE OUT

M Cora
of
Phone Office
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Bill
Date 5/11 Time 225

WHILE YOU WERE OUT

M Bill Lewis
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

from
IC9

000590

To Bill
Date 5/11 Time 245

WHILE YOU WERE OUT

M Jessie McCrary
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
HSAP

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Tom Penn
Date 5/11 Time 215

WHILE YOU WERE OUT

M Harry Jenkins
of
Phone 291-5524
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message will not be able to attend meeting

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Dave Ivey
Date 5/12 Time
WHILE YOU WERE OUT
M Tigner
of
Phone 829-3010
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 5/12 Time
WHILE YOU WERE OUT
M Sam Spiegel
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU	✓	WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	✓
RETURNED YOUR CALL			

Message ✓
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

from IC 9

000597

To Bill
Date Time
WHILE YOU WERE OUT
M Pete McClary
of Main
Phone
Area Code Number Extension

TELEPHONED	✓	PLEASE CALL	✓
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To JWC
Date Time
WHILE YOU WERE OUT
M Sparling
of
Phone 246 4660
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 5/12 Time 4:55

WHILE YOU WERE OUT

M Jessie McCrary
of
Phone 305576-1337
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Oppn. 6

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 5/12 Time 4:50

WHILE YOU WERE OUT

M Bryan Austin
of
Phone 773-9434
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Friend of Judge Thornton

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

from IC9

000603

To [illegible]
Date 5/12 Time 8:05

WHILE YOU WERE OUT

M Kate Jackson
of
Phone 559-6031
Area Code Number Extension

TELEPHONED	✓	PLEASE CALL	✓
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Re: Cyber Bank Room reservation

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Bill
Date 5/12 Time 4:55

WHILE YOU WERE OUT

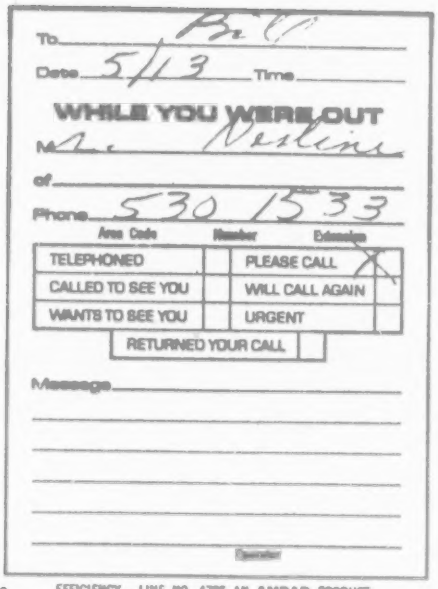
M [illegible]
of
Phone 317-3337
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message [illegible]

Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

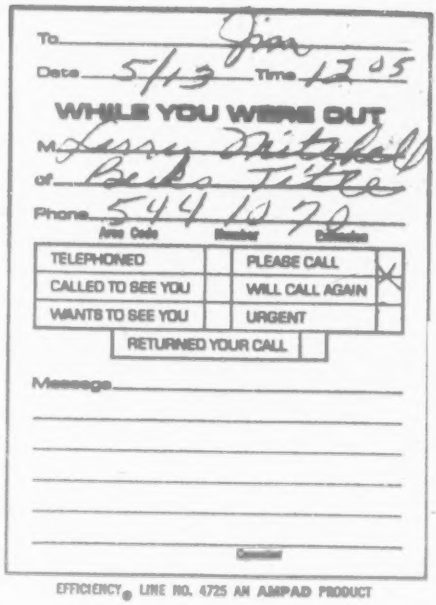


To Bill
Date 5/13 Time
WHILE YOU WERE OUT
M. Nestins
of
Phone 530 1533
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

from IC 9

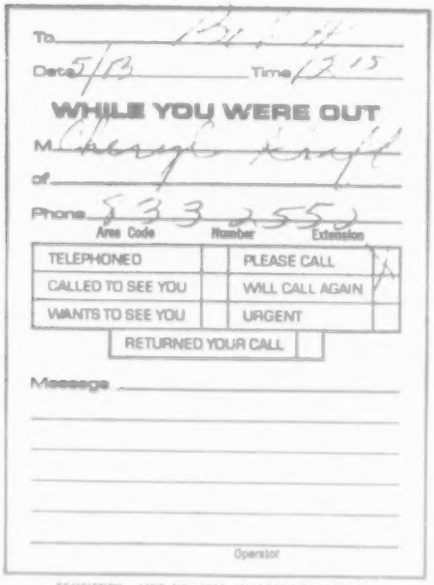


To Jim
Date 5/13 Time 12 05
WHILE YOU WERE OUT
M. Lissy Mitchell
of Buka Tire
Phone 544 1070
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

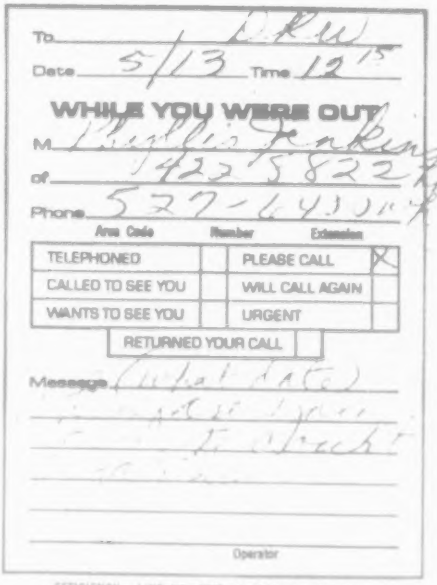
000609



To Bill H
Date 5/13 Time 12 15
WHILE YOU WERE OUT
M. George Kraft
of
Phone 533 2552
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT



To DRW
Date 5/13 Time 12 15
WHILE YOU WERE OUT
M. Phyllis Parker
of 422 5822
Phone 527-6431 ext
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message (what date)
Operator
EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 5/15 Time 9:40

WHILE YOU WERE OUT

M. A. Danzer
of
Phone 657 1846
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Jim
Date 5/15 Time 9:40

WHILE YOU WERE OUT

M. Russ Simmons
of
Phone 724445,6
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

from IC9

000618

To Patt
Date 5/15 Time 10:35

WHILE YOU WERE OUT

M. Dwight Pettit
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Patt Friday
12th at 10 at
satisfactory
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Patt
Date 5/15 Time 9:50

WHILE YOU WERE OUT

M. Patt Dridge
of Miami
Phone Georgetown Inn
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

333 8950

Message
Rm. 416
Would like to
see you this a.
Operator

EFFICIENCY® LINE NO. 4725 AN AMPAD PRODUCT

To Dan
Date 5/15 Time 1:30

WHILE YOU WERE OUT

M. Ms. Lamp
of 243 2434 Fm
Phone 272-7228 wk
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Results on
Motions

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To
Date 5/15 Time

WHILE YOU WERE OUT

M Ms. Pimpton
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Thr. McIntosh
will be here
about 2

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

From
IC9

000622

To Jim
Date 5/15 Time 2:30

WHILE YOU WERE OUT

M Ms. Berry
of
Phone 353 771-9230
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
X 2223
Thanks

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

To Bill
Date 5/15 Time 1:40

WHILE YOU WERE OUT

M Jessie McCrary
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

EFFICIENCY® LINE NO. 4725 AM AMPAD PRODUCT

FROM 5/18/81

TO 5/26/81

Respondent's 34 A

AMPAD

AMERICAN PAD & PAPER CO./HOLYOKE, MASS. 01040

Efficiency.

WHILE YOU WERE OUT FORMS

200 CALLS/4 X 5½ REMOVABLE ORIGINALS
PERMANENT BOUND DUPLICATE/4 PER PAGE
23-020

IC 10

000526

To Brit
Date 5/18 Time 1530

WHILE YOU WERE OUT

M Edward James
of
Phone 526-8486 hm
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message 635-7809 hm
(new case - false pretense charge)
cancel - 1550
Operator

AMPAD EFFICIENCY® 23-020

To Jim 1532
Date 5/18 Time

WHILE YOU WERE OUT

M Gerald
of
Phone 588 1850
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

from IC ID 000627

To Brit 1540
Date 5/18 Time

WHILE YOU WERE OUT

M Dwight-Petit
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message will be here at 12:30
Operator

AMPAD EFFICIENCY® 23-020

To Brit 1540
Date 5/18 Time

WHILE YOU WERE OUT

M Bill Bridge
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message It is his way there
Operator

AMPAD EFFICIENCY® 23-020

To DRW
Date 5/18 Time 3 00

WHILE YOU WERE OUT

M. Gary
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Settlement on 781 Quincy St NE is confirmed tomorrow at 1° five in your office

Operator

AMPAD EFFICIENCY® 23-020

To Bill
Date 5/18 Time 2 20

WHILE YOU WERE OUT

M. Al Banks
of
Phone 779 6877
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	X
RETURNED YOUR CALL			

Message

Operator

AMPAD EFFICIENCY® 23-020

000633

To Bill
Date 5/18 Time 2 35

WHILE YOU WERE OUT

M. Dan Silverman
of
Phone 659 4830
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

AMPAD EFFICIENCY® 23-020

To Bill
Date 5/18 Time 2 50

WHILE YOU WERE OUT

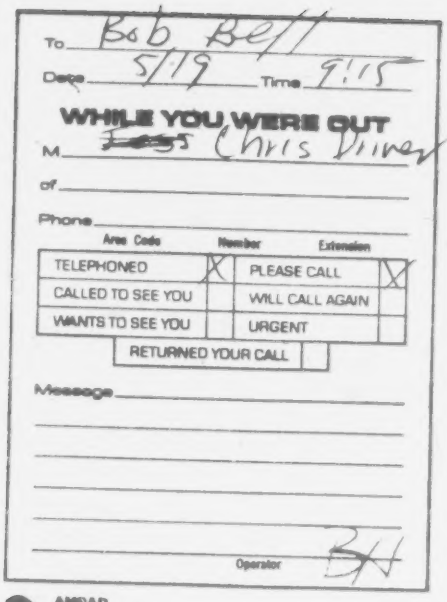
M. Fred Abramson
of
Phone 828 8225
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	X
RETURNED YOUR CALL			

Message

Operator

AMPAD EFFICIENCY® 23-020



To Bob Bell
Date 5/19 Time 9:15

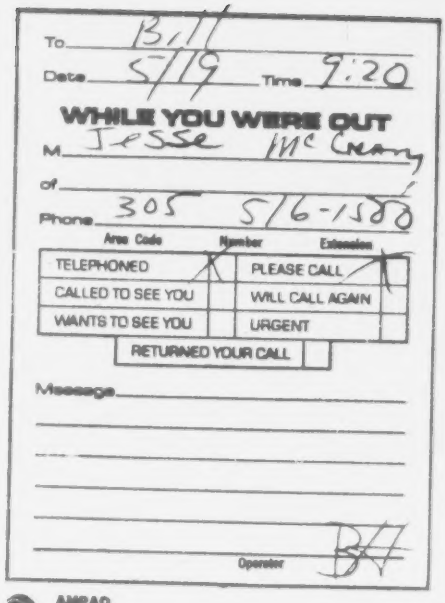
WHILE YOU WERE OUT

M ~~Jess~~ Chris Diiner
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator BH

AMPAD EFFICIENCY 23-020



To Bill
Date 5/19 Time 9:20

WHILE YOU WERE OUT

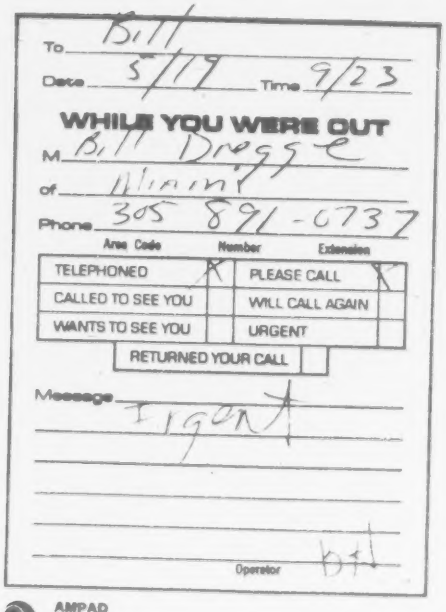
M Jesse McCreary
of
Phone 305 5/6-1580
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator BH

AMPAD EFFICIENCY 23-020

from IC 10 000636



To Bill
Date 5/19 Time 9/23

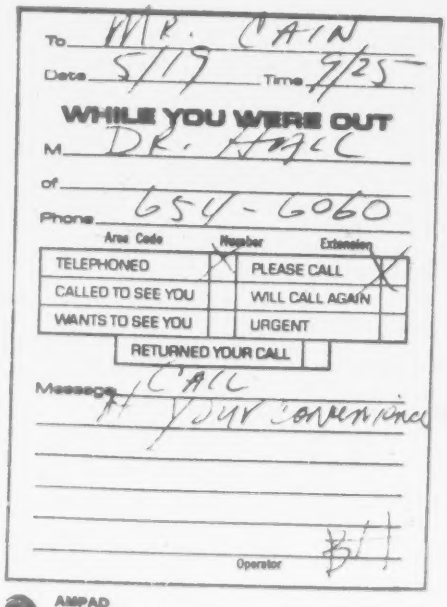
WHILE YOU WERE OUT

M Bill Driggee
of Miami
Phone 305 891-0737
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Igor
Operator bh

AMPAD EFFICIENCY 23-020



To MR. CAIN
Date 5/19 Time 9/25

WHILE YOU WERE OUT

M DR. HAGG
of
Phone 654-6060
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message CALL
RE YOUR CONVENIENCE
Operator BH

AMPAD EFFICIENCY 23-020

To Jim Cobb
Date 5/20 Time 10:15

WHILE YOU WERE OUT

M FRANK Kent
of
Phone
Area Code Number Extension

TELEPHONED	✓	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator BK

AMPAD EFFICIENCY® 23-020

To Paul
Date 5/19 Time 5:00

WHILE YOU WERE OUT

M Dr. Davis
of
Phone 635 3917
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

from IC 10

000645

To Bill
Date 5/20 Time 10:20

WHILE YOU WERE OUT

M MR. NESLINE
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

To Bill B
Date 5/20 Time 1030

WHILE YOU WERE OUT

M Miss Jack
of
Phone 297 7343
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

To Bob
Date 5/20 Time 4:25

WHILE YOU WERE OUT

M. Pearson
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

To Bill Lee
Date 5/20 Time

WHILE YOU WERE OUT

M. John Crump
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message He has your truck out at his office
Operator

AMPAD EFFICIENCY® 23-020

000653

To Jim
Date 5/20 Time 7:30

WHILE YOU WERE OUT

M. Mike Marsh
of
Phone 432-3373
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Has a client who is interested in buying a Ford Pickup
Operator

AMPAD EFFICIENCY® 23-020

To Jim
Date 5/20 Time 4:35

WHILE YOU WERE OUT

M. Edward Johnson
of
Phone 832 3720
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

To Bill
Date 5/21 Time 11:00

WHILE YOU WERE OUT

M. Brent Campbell
of Conyers Chiro
Phone 225 6131
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

AMPAD EFFICIENCY® 23-020

To Bill
Date 5/21 Time 11:00

WHILE YOU WERE OUT

M. Bill Dreby
of
Phone 305 891 0737
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Please get
ones to Bill

Operator

AMPAD EFFICIENCY® 23-020

from IC 10 000659

To Bob
Date 5/21 Time 11:30

WHILE YOU WERE OUT

M. Chris
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

AMPAD EFFICIENCY® 23-020

To Bill
Date 5/21 Time 11:10

WHILE YOU WERE OUT

M. Joyce Mitchell
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

AMPAD EFFICIENCY® 23-020

To DRW
Date 5/21 Time 5:10

WHILE YOU WERE OUT

M Howard Watkins
of
Phone 567 3871
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Re: Release of a condo for sale after 6:30

Operator

AMPAD EFFICIENCY® 23-020

To Bill
Date 5/21 Time 5:10

WHILE YOU WERE OUT

M Hempfill Pride
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	X
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Doc Tues

Operator

AMPAD EFFICIENCY® 23-020

from IC 10

000668

To WBB
Date 5/21/81 Time 5:15

WHILE YOU WERE OUT

M Miss Lee
of St. Paul
Phone 529-1208
Area Code Number Extension

TELEPHONED	✓	PLEASE CALL	✓
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Re letter you received.

Operator

AMPAD EFFICIENCY® 23-020

To JRM
Date Time

WHILE YOU WERE OUT

M Crosby
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Don't forget to check for Mr. Wright

Operator

AMPAD EFFICIENCY® 23-020

To Jim
Date 5/22 Time 11 35

WHILE YOU WERE OUT

M. S. Fitzgerald
of
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

To Jim
Date 5/22 Time 11 35

WHILE YOU WERE OUT

M Lisa Taylor
of
Phone home
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

000673

from IC 10

To Bill
Date 5/22 Time 11 40

WHILE YOU WERE OUT

M Al C. Hastings
of
Phone
Area Code Number Extension

TELEPHONED	X	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message talked to Hadley
Operator

AMPAD EFFICIENCY® 23-020

To Bob
Date 5/22 Time

WHILE YOU WERE OUT

M Arkansas
of Third Press
Phone
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Wants to see his ~~is~~ Certificate
Operator

AMPAD EFFICIENCY® 23-020

FROM 5/26/81

TO 6/2/81

Respondent's 35 A

AMERICAN PAD & PAPER CO./HOLYOKE, MASS. 01040

Efficiency

WHILE YOU WERE OUT FORMS

200 CALLS/4 X 5½ REMOVABLE ORIGINALS
PERMANENT BOUND DUPLICATE/4 PER PAGE
23-020

IC 11

8C0:30

To Bill
Date 5/27 Time 10 45

WHILE YOU WERE OUT

M Hemphill Bride
of 803 779 7286 wk
Phone 799 8150 wk
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message 803 254 0541 hm
S.C. Supreme
Ct did not
disbar him

Operator

AMPAD EFFICIENCY® 23-020

To Jim
Date 5/27 Time 10 40

WHILE YOU WERE OUT

M Peter Van Wisk
of
Phone 829 3970
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

AMPAD EFFICIENCY® 23-020

000695

from IC 11

To DRW
Date 5/27 Time 18 45

WHILE YOU WERE OUT

M Dixie Hughes
of
Phone 275 1480
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message called yesterday

Operator

AMPAD EFFICIENCY® 23-020

To Jim
Date 5/27 Time 18 45

WHILE YOU WERE OUT

M Dollie Sues
of
Phone 589 4543
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

AMPAD EFFICIENCY® 23-020

To Drew
Date 5/28 Time 1:20

WHILE YOU WERE OUT

M. Cerullo
of
Phone 459-8200
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Prepare for Payton settlement

Operator

AMPAD EFFICIENCY® 23-020

To Bill
Date 5/28 Time 10

WHILE YOU WERE OUT

M. Fred Abramson
of
Phone 828 8225
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Is sending a Delivery

Operator

AMPAD EFFICIENCY® 23-020

000702

To Bill
Date 5/28 Time 12:40

WHILE YOU WERE OUT

M. Dan Silverman
of
Phone 514 733 7582
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	X
RETURNED YOUR CALL			

Message

Operator

AMPAD EFFICIENCY® 23-020

To Drew
Date 5/28 Time 12:10

WHILE YOU WERE OUT

M. Al Williams
of
Phone 291 9181
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message

Operator

AMPAD EFFICIENCY® 23-020

To Bill H
Date 5/28 Time 12 35

WHILE YOU WERE OUT

M Owen White
of
Phone 566 1867
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

From IC 11

To Bill
Date 5/28 Time 11 50

WHILE YOU WERE OUT

M Miss Myrick
of
Phone Grace
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message next 30 mins.
Operator

AMPAD EFFICIENCY® 23-020

000705

To Bill
Date 5/28 Time 12 40

WHILE YOU WERE OUT

M Bill Kridge
of
Phone 533 1533
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Leave a no. where he can reach you will call back at 2
Operator

AMPAD EFFICIENCY® 23-020

To Bill
Date 5/28 Time 12 10

WHILE YOU WERE OUT

M Fred Nixon
of
Phone 384 6034
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

To Bill
Date 5/28 Time 225

WHILE YOU WERE OUT

M. Fred Abramson
of
Phone 828 8225
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message
Operator

AMPAD EFFICIENCY® 23-020

To WKW
Date 5/28 Time 220

WHILE YOU WERE OUT

M. Roach
of
Phone 420 3500
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Cancelling appointment today wants rescheduled tomorrow at anytime
Operator

AMPAD EFFICIENCY® 23-020

000707

To Jim
Date 5/28 Time 245

WHILE YOU WERE OUT

M. Barbara Hightower
of
Phone 942-5343
Area Code Number Extension

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Old friend
Operator

AMPAD EFFICIENCY® 23-020

To Bill
Date 5/28 Time 235

WHILE YOU WERE OUT

M. Gwen Tyson
of
Phone 904 633 2962
Area Code Number Extension

TELEPHONED		PLEASE CALL	X
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message 633 2960
Cpr 7
Operator

AMPAD EFFICIENCY® 23-020

quired for mail fraud conviction; (21) evidence was sufficient to support convictions except on two counts of mail fraud, one count of conspiracy to violate RICO and two other RICO counts; (22) trial judge did not abuse his discretion in denying motion for new trial based on newly discovered evidence; (23) insurance proceeds received by certain defendants from burning of their properties were not subject to forfeiture; and (24) one defendant's interest in two companies were subject to forfeiture.

Convictions affirmed in part and reversed in part, denial of motion for new trial affirmed, and orders of monetary forfeiture reversed in part and affirmed in part.

1. **Commerce ⇐82.5**

   Constitutional Law ⇐91

   Racketeer Influenced and Corrupt Organizations Act does not unconstitutionally punish associational status. 18 U.S.C.A. § 1961 et seq.; U.S.C.A.Const. Amend. 1.

2. **Commerce ⇐82.5**

   Racketeer Influenced and Corrupt Organizations Act is not unconstitutionally vague. 18 U.S.C.A. § 1961 et seq.

3. **Constitutional Law ⇐197**

   Not every judicial expansion of statutory construction creates an ex post facto law; rather, only statutory construction which is unexpected and indefensible by reference to law which has been expressed prior to conduct in issue creates ex post facto law. U.S.C.A.Const. Art. 1, § 9, cl. 3.

4. **Constitutional Law ⇐199**

   Interpretation given to Racketeer Influenced and Corrupt Organizations Act by Court of Appeals had not so deviated from what would be an average person's understanding that an ex post facto effect had occurred. 18 U.S.C.A. § 1961 et seq.; U.S.C.A.Const. Art. 1, § 9, cl. 3.

5. **Commerce ⇐82.5**

   Constitutional Law ⇐82(6)

   States ⇐4.17

   Racketeer Influenced and Corrupt Organizations Act does not violate Ninth and Tenth Amendments by intruding upon state sovereignty, since RICO proscribes furthering of the enterprise, not the predicate acts, and predicate acts are, in turn, proscribed by existing, enumerated state or federal laws. 18 U.S.C.A. § 1961 et seq.; U.S.C.A.Const. Amends. 9, 10.

6. **Indictment and Information ⇐110(3)**

   Indictment charging violations of Racketeer Influenced and Corrupt Organizations Act sufficiently alleged required effect of interstate commerce by tracking language of the statute as to effect on interstate commerce and by further alleging that defendants "did knowingly and willfully place and cause to be placed * * * in authorized depositories for mail matter to be sent and delivered according to the directions thereon by the Postal Service of the United States." 18 U.S.C.A. § 1961 et seq.

7. **Indictment and Information ⇐125(4)**

   Count of information charging violations of Racketeer Influenced and Corrupt Organizations Act involving arson ring was not duplicitous; but rather charged single conspiracy involving several fires committed as part of conspiracy. 18 U.S.C.A. § 1961 et seq.

8. **Arson ⇐15**

   Section of Racketeer Influenced and Corrupt Organizations Act making it unlawful for one associated with or employed by enterprise to participate in conduct of its affairs through pattern of racketeering did not apply only to those who managed arson ring. 18 U.S.C.A. § 1962(c).

9. **Conspiracy ⇐43(12)**

   There was no variance affecting defendants' substantial rights where indictment alleged only one conspiracy while government's evidence established multiple conspiracies.

10. **Criminal Law ⇐195(1)**

    Under "same offense" test of double jeopardy, if there is any difference in elements to be proven, two instances are not the same offense. U.S.C.A.Const. Amend. 5.

    See publication Words and Phrases for other judicial constructions and definitions.

11. **Criminal Law ⇐196**

    Overlap in evidence in prosecution of substantive and conspiracy charges under Racketeer Influenced and Corrupt Organizations Act does not occasion automatic invocation of double jeopardy. 18 U.S.C.A. § 1961 et seq.; U.S.C.A.Const. Amend. 5.

12. **Conspiracy ⇐24**

    Conspiracy charge under Racketeer Influenced and Corrupt Organizations Act requires that defendant have objectively manifested agreement to participate, directly or indirectly, in affairs of an enterprise through commission of two or more predicate crimes. 18 U.S.C.A. § 1961 et seq.

13. **Criminal Law ⇐200(6)**

    Prosecution for substantive and conspiracy violations of Racketeer Influenced and Corrupt Organizations Act did not violate double jeopardy clause, since two counts did not charge same offense, despite considerable overlap in the evidence. 18 U.S.C.A. § 1961 et seq.; U.S.C.A.Const. Amend. 5.

14. **Indictment and Information ⇐121.-1(3)**

    Action on motion for bill of particulars is committed to sound discretion of trial judge.

15. **Criminal Law ⇐1149**

    Court of Appeals may reverse ruling for denying bill of particulars only if defendant demonstrates that he was actually surprised at the trial and thus incurred prejudice to his substantial rights by the denial.

16. **Indictment and Information ⇐121.-1(3)**

    Despite contention that bill of particulars should have been granted to prevent confusion which hindered defendants from understanding nature of charges against them, trial judge did not abuse his discretion in denying motion, absent demonstration that defendants were actually surprised at trial and thus incurred prejudice to their substantial rights.

17. **Criminal Law ⇐700**

    Impeachment evidence, as well as evidence favorable to the accused in the issue of guilt, falls within disclosure requirements of *Brady* rule.

2490

007277

UNITED STATES of America,
Plaintiff-Appellee,

v.

Sam C. MARTINO, Joseph C. Russello and Rolando Gonzalez Rodriguez,
Defendants-Appellants.

UNITED STATES of America,
Plaintiff-Appellee,

v.

John Alan HOLT, Rosario Palermo, William H. Brown, a/k/a Bill, John D. Fisher, Robert D. Young, Joseph Macaluso, a/k/a Joe, Frank Scionti, John Nicholas Lostracco, Sam C. Martino, Paul Guarino, Jimmy Farina, Berton B. Chase, a/k/a Bert, Rolando Gonzalez Rodriguez, a/k/a Roland Rodriguez, Joseph D. Lazzara, a/k/a Joe, Joseph C. Russello, a/k/a Joe and Amalia Morgado, Defendants-Appellants.

UNITED STATES of America,
Plaintiff-Appellee,

v.

Sam C. MARTINO,
Defendant-Appellant.

Nos. 78-3611, 78-5260 and 79-2606.

United States Court of Appeals,
Fifth Circuit.

June 19, 1981.

Sixteen defendants appealed from a combined total of 80 convictions rendered in the United States District Court for the Middle District of Florida, at Tampa, Wm. Terrell Hodges, J., for mail fraud and violations of Racketeer Influenced and Corrupt Organizations Act arising out of arson ring. The Court of Appeals, Politz, Circuit Judge, held that: (1) RICO is constitutional; (2) indictment was sufficient, not duplicitous, did not misapply RICO, and there was no variance affecting defendants' substantial rights; (3) prosecution for substantive and conspiracy violations of RICO did not violate double jeopardy clause; (4) there was no abuse of discretion in denial of motion for bill of particulars; (5) there were no *Brady* violations mandating reversal; (6) trial judge was not obligated to ask court-appointed expert to determine government witness' mental capacity at time of alleged offenses; (7) trial judge did not abuse his discretion in denying repeated motions for severance; (8) Government did not violate Jencks Act; (9) prosecutor's referring to witness' participation in federal witness protection program was not unfair exploitation; (10) comment made by counsel for one defendant was harmless; (11) one defense counsel's comment on his client's decision to testify was not an improper reference to other defendants' decisions not to testify; (12) trial judge's refusal to strike government witness' responses was not erroneous; (13) trial judge did not abuse his discretion in ruling key government witness competent to testify; (14) court properly admitted plea bargain agreement of government's key witness; (15) witness' reference to his willingness to take lie detector test was not prejudicial; (16) there was no reversible error reference to defendants' election not to testify; (17) there was no error in trial judge's allowing breaks in sequestration; (18) one defendant was not deprived of his right to unbiased grand jury; (19) there was no error in exclusion of testimony of government witness' threats against employer of one defense witness; (20) trial judge correctly charged jury as to evidence re-

Synopsis, Syllabi and Key Number Classification
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RESPONDENT'S EXHIBIT #36
2459

18. Criminal Law ⇐1171.1(1)

Failure of government to disclose information useful only for impeachment mandates reversal only if defendants demonstrate that undisclosed evidence probably would have resulted in acquittal.

19. Criminal Law ⇐1171.1(1)

In prosecution under Racketeer Influenced and Corrupt Organizations Act involving more than 100 government witnesses, although prior inconsistent statement of one government witness fell within disclosure requirements of *Brady*, failure of government to disclose information did not mandate reversal, since it could not be seriously contended that witness' statement would probably have resulted in acquittal. 18 U.S.C.A. § 1961 et seq.

20. Criminal Law ⇐1171.1(1)

Any *Brady* violation concerning letter written to United States Attorney by psychiatrist who served as government's witness on rebuttal was expunged by disclosure of letter after doctor testified, consistent with requirements of Jencks Act. 18 U.S.C.A. § 3500.

21. Criminal Law ⇐627.6(1)

When alleged *Brady* material is contained in Jencks Act material, disclosure is generally timely if government complies with Jencks Act. 18 U.S.C.A. § 3500.

22. Criminal Law ⇐742(1)
Witnesses ⇐79(1)

Whether witness is competent to testify is special question of law to be answered by judge; it is left to jury to assess witness' credibility and weight to be accorded his testimony.

23. Witnesses ⇐41

Because witness' mental state during period about which he proposes to testify is matter which affects his credibility, it is a jury determination and thus not germane to competency to testify.

24. Witnesses ⇐77

Having exercised its discretion and appointed expert to conduct competency examination of key government witness pursuant to defense request prior to trial, trial judge was not obligated to ask expert to determine witness' mental capacity at time of alleged offenses as well as his competence to testify, although it would not have been error had trial judge done so.

25. Criminal Law ⇐622(1)

On motion pursuant to Federal Rule of Criminal Procedure which permits severance if defendant is prejudiced by joinder, trial judge is required to weigh prejudice inherent in joint trial in light of realities of judicial economy and to sever defendants as needs of justice dictate. Fed.Rules Cr.Proc. Rule 14, 18 U.S.C.A.

26. Criminal Law ⇐1148

Denial of motion to sever is reversible only for abuse of discretion. Fed. Rules Cr.Proc. Rule 14, 18 U.S.C.A.

27. Criminal Law ⇐622(1)

General test on severance motion is whether under all circumstances of particular case, as a practical matter, it is within capacity of jurors to follow court's admonitory instructions and accordingly to collate and appraise independent evidence against each defendant solely upon that defendant's own acts, statements and conduct. Fed.Rules Cr.Proc. Rule 14, 18 U.S.C.A.

28. Criminal Law ⇐622(1)

Constitution does not guarantee trial free from burdens that inevitably accompany joint trial involving numerous defendants and multiple charges; rather, it requires that potential for transferability of guilt be minimized to extent possible in order to individualize each defendant in relation to the mass.

29. Criminal Law ⇐622(2)

In prosecution under Racketeer Influenced and Corrupt Organizations Act involving 20 defendants, 35 counts, and which lasted three months during which time jury heard over 200 witnesses, trial judge did not abuse his discretion in failing to grant repeated motions for severance, where trial judge minimized potential transfers of guilt with every tool at his command, and it was apparent from verdicts reached that jury, after more than three weeks of deliberation, did meticulously sift the evidence, as it acquitted on certain counts. 18 U.S.C.A. § 1961 et seq.; Fed.Rules Cr.Proc. Rule 14, 18 U.S.C.A.

30. Criminal Law ⇐627.7(3)

"Statement," within context of Jencks Act, means one that is written, transcribed, or stenographically, mechanically or electronically recorded and is substantially verbatim recital of oral statement made by witness and recorded contemporaneously with making of such oral statement. 18 U.S.C.A. § 3500.

See publication Words and Phrases for other judicial constructions and definitions.

31. Criminal Law ⇐627.7(3)

Notes taken by interviewer during interview with witness do not qualify as a "statement" under Jencks Act. 18 U.S.C.A. § 3500.

32. Criminal Law ⇐627.7(3)

Despite contention that government purposely failed to record interviews with potential witnesses to avoid producing Jencks Act material, there was no requirement that interviews be recorded or that interview notes be reduced to writing and signed or otherwise approved by witness, and it could not be presumed that prosecutor acted in bad faith by failing to reduce his notes to statement form. 18 U.S.C.A. § 3500.

33. Criminal Law ⇐703

Prosecutor's brief comment at beginning of trial referring to witness' participation in federal witness protection program was not an unfair exploitation, in anticipation that witness' receipt of benefits from government would be used to impeach his credibility.

34. Criminal Law ⇐919(3)

Various comments made by prosecutor during closing argument, including remarks about "defense lawyer tactics," the "millionaire defense," the individual victims of the arsons, and his response to one defendant's argument by saying "government's evidence has been truthful," did not meet test for new trial.

35. Criminal Law ⇐1171.1(3)

Comment by one defendant's counsel that his client was entirely innocent of charges brought against him and was forced as a result of indictment to sit down with a "bunch of gangsters" was not so prejudicial against other defendants as to mandate reversals.

36. Criminal Law ⇐721(3)

One defense counsel's comment on his client's decision to testify was not an

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improper reference to other defendants' decisions not to testify.

37. Witnesses ⇐309

Trial court did not err in refusing to strike witness' responses elicited by defendants' questions, even though witness chose to exercise his Fifth Amendment right against self-incrimination, where questions asked were aimed at undermining witness' credibility which had already been subject of intense attack during cross-examination. U.S.C.A.Const. Amends. 5, 6.

38. Witnesses ⇐198(1)

Defendant's right of cross-examination was not impaired when witness asserted his attorney-client privilege in response to question whether he had asked his attorney to work with United States Attorney on his behalf, where response was given only once during extensive examination and witness was subsequently asked whether he had sought help from United States Attorney and he answered affirmatively. U.S.C.A.Const. Amend. 6.

39. Criminal Law ⇐1153(2)

Unless abuse of discretion is demonstrated, trial judge's decision on whether witness is competent to testify will not be disturbed.

40. Witnesses ⇐79(1)

In prosecution under Racketeer Influenced and Corrupt Organizations Act, trial judge did not abuse his discretion in ruling key government witness competent to testify. 18 U.S.C.A. § 1961 et seq.

41. Criminal Law ⇐338(7)

Court properly admitted plea bargain agreement of government's key witness, despite references that mentioned need for protection for witness and his family and his promise to testify "truthfully."

42. Criminal Law ⇐396(1)

If defense relies upon existence of plea bargain to attack credibility of witness, it is not then entitled to preclude jury from being apprised of additional matters relevant to bargain so as to leave incorrect inference that witness has made better bargain for himself than in fact he has made.

43. Criminal Law ⇐419(2)

Plea bargain was not introduced to establish truth of factual assertions contained therein; rather, it was introduced to establish fact of its existence and contents, and as such, was not hearsay.

44. Criminal Law ⇐388

Results of polygraph test are inadmissible in evidence.

45. Criminal Law ⇐1169.5(2)

Although witness' reference to his willingness to take lie detector test was improper, it was not prejudicial, in view of fact that trial judge not only cautioned jury twice to disregard comment, but also told them why such an instruction was being given.

46. Criminal Law ⇐721(3)

Prosecutor's comment "if he wants to take the stand he may," was not a reversible error reference to defendants' election not to testify, where prosecutor was more probably referring to defense counsel testifying and statement was not of such character that jury would naturally necessarily take it to be comment on failure of accused to testify.

47. Criminal Law ⇐1168(1)

Various responses given by witnesses during trial which lasted over three

months and resulted in record which included more than 1,100 pages of testimony did not measurably affect jury in any way and did not result in prejudice to defendants.

48. Criminal Law ⇐1168(1)

Allegedly improper statements should not be viewed in the abstract; question is what impact they had in context of particular trial in terms of fair reference and quantity of untainted evidence in the case.

49. Criminal Law ⇐417(15)

Declarant's statement which simply indicated that he might have been one to cause fire was not a declaration sufficiently subjecting him to civil liability to invoke exception to hearsay rule for statement against interest. Fed.Rules Evid. Rule 804(b)(3), 28 U.S.C.A.

50. Criminal Law ⇐1168(2)

Before reversal will lie on ground of trial judge's allowing breaks in sequestration, defendants must demonstrate substantial likelihood that some prejudice resulted.

51. Criminal Law ⇐854(2)

Trial judge has discretion to decide whether to sequester jury.

52. Criminal Law ⇐854(2)

Once trial judge chose to sequester jury, it was not error for him to allow breaks in that sequestration by permitting jurors to visit with family members, even though jury was not reinstructed prior to each break about avoiding outside influence, where jury was constantly reminded during course of trial not to discuss case with anyone and to avoid reading any publicity concerning trial and jurors were otherwise made fully aware of their responsibilities.

53. Grand Jury ⇐36.2

Citizens generally are not constitutionally immune from grand jury subpoenas.

54. Grand Jury ⇐36.2

Prosecutor could call defendant to testify before grand jury, even though prosecutor was advised that defendant intended to exercise his Fifth Amendment privilege. U.S.C.A.Const. Amend. 5.

55. Grand Jury ⇐34

Defendant was not denied right to unbiased grand jury by prosecutor's comment, in presence of grand jury, that another defendant was a disgrace for exercising his right to remain silent.

56. Criminal Law ⇐338(1)

Trial court did not err in ruling inadmissible testimony of defense witness who was to testify about shooting Government's key witness after government witness threatened defense witness' employer, since, although defendant relied on defense that he acted in response to threats from Government's witness, government witness' threats against employer of defense witness did not relate directly to defendant. Fed.Rules Evid. Rule 608(b), 28 U.S.C.A.

57. Post Office ⇐50

Charge as to evidence required for mail fraud conviction stating "a statement or representation may also be 'false' or 'fraudulent' when it constitutes a half-truth, or effectively conceals a material fact, with intent to defraud," avoided error by inclusion of words "with intent to defraud." 18 U.S.C.A. § 1341.

58. Criminal Law ⇐1159.2(10)

With respect to conspiracy conviction, test on appeal is whether there is a substantial evidence to support verdicts.

59. Commerce ⇐82.5

In prosecution on substantive charge under Racketeer Influenced and Corrupt Organizations Act, government must prove: existence of enterprise; that enterprise affected interstate commerce, that defendant was employed by or associated with enterprise; that he participated in conduct of affairs of enterprise; and that he participated through pattern of racketeering activity. 18 U.S.C.A. § 1962(c).

60. Conspiracy ⇐23

To convict on charge of conspiracy, government must prove that defendant had knowledge of conspiracy and that he intended to join in objectives of conspiracy; degree of criminal intent necessary for participation in conspiracy must be at least equal to that required for substantive offense itself.

61. Conspiracy ⇐28(3)

To convict for conspiracy to violate Racketeer Influenced and Corrupt Organizations Act, government must prove that person objectively manifested, through words or actions, agreement to participate in conduct of affairs of enterprise through commission of two or more predicate crimes. 18 U.S.C.A. § 1961 et seq.

62. Post Office ⇐35(2)

If there is sufficient evidence to connect defendant to fraudulent scheme involving use of mails, it is not necessary that he do any of the mailing in order to support conviction for mail fraud. 18 U.S.C.A. § 1341.

63. Conspiracy ⇐40

Coschemers are jointly responsible for each other's acts when acts are within general scope and in furtherance of the scheme.

64. Arson ⇐37(1)

Post Office ⇐49(11)

Evidence was sufficient to support convictions of arsonist on two counts under Racketeer Influenced and Corrupt Organizations Act and on four counts of mail fraud arising out of arson ring. 18 U.S.C.A. §§ 1341, 1961 et seq.

65. Criminal Law ⇐1130(2)

Defendant's adopting argument advanced by codefendants in support of issue of sufficiency of evidence and any other issue they raise that may have applied to defendant was not an appropriate challenge to adequacy of evidence.

66. Arson ⇐37(1)

Post Office ⇐49(11)

Evidence was sufficient to support convictions of arsonist on two counts under Racketeer Influenced and Corrupt Organizations Act and on 13 counts of mail fraud arising out of arson ring. 18 U.S.C.A. §§ 1341, 1961 et seq.

67. Conspiracy ⇐47(3)

Evidence was not sufficient to support conspiracy conviction under Racketeer Influenced and Corrupt Organizations Act, absent proof of agreement to commit two specified predicate crimes; only predicate act enumerated in indictment implicating defendant involved arson. 18 U.S.C.A. § 1961 et seq.

68. Arson ⇐37(1)

Conspiracy ⇐47(3)

Evidence reflected more than defendant's mere association with enterprise, and showed that he played important role by assisting in acquisition of properties suitable for burning and was sufficient to support substantive and conspiracy convictions under Racketeer Influenced and Corrupt Organizations Act. 18 U.S.C.A. §§ 1961 et seq., 1962(c).

69. Post Office ⇐49(11)

Although there was no evidence offered showing that defendant personally mailed proof of loss which was subject of challenged mail fraud convictions, such evidence was not required, and convictions on two counts were supported by evidence that showed that defendant was involved with several other defendants in scheme to defraud insurer through arson of certain property. 18 U.S.C.A. § 1341.

70. Post Office ⇐35(20)

So long as one participant in fraudulent scheme uses mails in execution of fraud, all other knowing participants in scheme are legally liable for that use of the mails. 18 U.S.C.A. § 1341.

71. Post Office ⇐35(20)

Once defendant became involved in scheme to defraud insurer through arson of certain property, she had to do some affirmative act of withdrawal before she could disclaim responsibility for subsequent acts of her coschemers. 18 U.S.C.A. § 1341.

72. Arson ⇐37(1)

Conspiracy ⇐47(3)

Defendant's involvement in arson and mail fraud, and evidence establishing her relationship with arson ring, was sufficient to support conviction on substantive and conspiracy counts under Racketeer Influenced and Corrupt Organizations Act. 18 U.S.C.A. §§ 1961 et seq., 1962(c).

73. Criminal Law ⇐1134(2)

On appeal of convictions resulting from joint trial, Court of Appeals' inquiry is limited to determining whether evidence is sufficient to support counts on which particular defendant was convicted; court does not look at what jury did with other counts or other defendants.

74. Post Office ⇐49(11)

Even though jury acquitted three other defendants on three mail fraud counts, verdicts did not necessarily indicate that jury rejected, as credible witnesses, witnesses who pled guilty to charge and testified, and evidence was sufficient to support defendant's conviction on same three counts. 18 U.S.C.A. § 1341.

75. Indictment and Information ⇐175

Variance between indictment and evidence as to specific mailing locations involved in count charging mail fraud was a technical variance, and immaterial, considering totality of circumstances, including fact that other information in indictment was correct.

76. Post Office ⇐49(11)

Evidence was sufficient to support convictions on two counts charging mail fraud with respect to arson and subsequent collection of insurance proceeds for certain property. 18 U.S.C.A. § 1341.

77. Arson ⇐37(1)

Conspiracy ⇐47(3)

Evidence that established defendant's active involvement in affairs of arson ring and that showed he intended to

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fering arson services, Racketeer Influenced and Corrupt Organizations Act contemplated prosecution of such "customers" who engaged in pattern of racketeering activities in furtherance of affairs of enterprise since, by definition, such person became more than a customer of the enterprise. 18 U.S.C.A. §§ 1961 et seq., 1962.

95. Conspiracy ⇐28(3)

Defendant's alleged separate conspiracy arising out of burning of property owned by him was not a separate conspiracy, but rather an integral part of enterprise engaged in business of burning property with intent to defraud insurance companies in violation of Racketeer Influenced and Corrupt Organizations Act. 18 U.S.C.A. § 1961 et seq.

96. Arson ⇐37(1)

Evidence, from which jury could infer association with enterprise engaged in business of burning property with intent to defraud insurance company and awareness of existence of ongoing arson operation was sufficient to support conviction under Racketeer Influenced and Corrupt Organizations Act, despite contention that evidence did not show that defendant had knowledge that one whose arson services he purchased acted in concert with others. 18 U.S.C.A. § 1961 et seq.

97. Conspiracy ⇐40.1

Party to conspiracy need not know identity, or even number of his confederates.

98. Conspiracy ⇐40.4

One claiming withdrawal from conspiracy has burden of proving he took some affirmative action to defeat or disallow purpose of conspiracy.

99. Arson ⇐37(1)

Evidence of defendant's involvement in burning of his hardware store was sufficient to establish that he engaged in pattern of racketeering activity in violation of Racketeer Influenced and Corrupt Organizations Act. 18 U.S.C.A. § 1961 et seq.

100. Conspiracy ⇐23

There can be no conspiracy involving only a defendant and government informer, because it takes two to conspire and government informer is not a true conspirator.

101. Conspiracy ⇐23

Even though link connecting many of the activities of conspirators was a government informer, conspiracy could be proved where conspiracy involved others besides government informer.

102. Post Office ⇐35(20)

Individual participant in scheme encompassing mail fraud will be liable for acts of his coschemers when such acts are within general scope of scheme; he can disclaim responsibility only if he undertakes some affirmative act of withdrawal. 18 U.S.C.A. § 1341.

103. Post Office ⇐35(6)

One "causes" use of mails, for purposes of mail fraud prosecution, when he does some act in which it is reasonably foreseeable that mails will be used. 18 U.S.C.A. § 1341.

104. Post Office ⇐49(11)

Evidence was sufficient to support conviction of defendant for mail fraud arising out of scheme to burn property and recover insurance proceeds, despite

contention that there was no evidence to show that defendant asked, requested or insisted that insurance agent use mails in processing claim, where defendant was in insurance business so that it could not be seriously contended that he was unaware that mail would probably be used in processing claim, and evidence showed that defendant was part of the scheme. 18 U.S.C.A. § 1341.

105. Arson ⇐37(1)

Defendant's participation in affairs of enterprise with common goal of burning buildings and collecting fire insurance proceeds, in violation of Racketeer Influenced and Corrupt Organizations Act, was supported by sufficient evidence, including defendant's initial association with principal "torch" of enterprise and insurance adjuster who, with knowledge of arson, processed fire loss claims. 18 U.S.C.A. § 1961 et seq.

106. Commerce ⇐82.5

Under Racketeer Influenced and Corrupt Organizations Act, it is irrelevant that each defendant participated in enterprise's affairs through different, even unrelated crimes, so long as court may reasonably infer that each crime was intended to further enterprise's affairs. 18 U.S.C.A. § 1961 et seq.

107. Post Office ⇐48(8)

There was no fatal variance between indictment charging certain defendants with devising scheme to defraud insurance company by filing proof of loss stating that they did not know who set fire and the evidence, which also indicated that building's value listed on claim was inflated, where evidence abounded that defendant and adjuster falsely denied knowing who set fire. 18 U.S.C.A. § 1341.

On Motion For New Trial

108. Criminal Law ⇐938(1)

Criteria for obtaining new trial on basis of newly discovered evidence are: evidence must be discovered following trial; facts must be alleged from which court may infer diligence on part of movant to discover new evidence; evidence must not be merely cumulative or impeaching; evidence must be material; and evidence must be such that a new trial would probably produce new result.

109. Criminal Law ⇐945(1)

Trial judge did not abuse his discretion in denying motion for new trial based on newly discovered evidence consisting of proffered testimony by codefendant who stated he would have testified for defendant in separate trial but that he did not want to testify in his own defense at joint trial, where "new" evidence was not such that second trial would probably produce a different result.

110. Criminal Law ⇐938(1)

Decision to grant or deny motion for new trial on basis of newly discovered evidence rests in sound discretion of trial judge.

111. Criminal Law ⇐1156(3)

Court of Appeals will reverse denial of motion for new trial on basis of newly discovered evidence only where it is shown that ruling was so clearly erroneous as to constitute abuse of discretion.

On Order of Forfeiture

112. Criminal Law ⇐1134(3)

Defendant's raising issue of forfeiture of insurance proceeds collected by

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further affairs of the enterprise was sufficient to support substantive and conspiracy convictions under Racketeer Influenced and Corrupt Organizations Act. 18 U.S.C.A. §§ 1961 et seq., 1962(c).

78. Post Office ⇐35(7)

No mail fraud occurred as to claim for insurance proceeds for burning of house, where title had not yet passed to member of arson ring at time it was burned and proceeds were claimed by and paid to owners as to whom there was no evidence of involvement in arson or knowledge of plan to burn building for insurance, or evidence that they submitted claim under their policy intending to deliver over or share insurance payments with any member of arson ring. 18 U.S.C.A. § 1341.

79. Post Office ⇐35(7)

Success of scheme is not required for mail fraud conviction. 18 U.S.C.A. § 1341.

80. Arson ⇐37(1)

Although evidence supported findings that defendant participated in arson and in discussions which could lead to mail fraud, evidence was insufficient to support conviction on substantive count under Racketeer Influenced and Corrupt Organizations Act, because he did not commit two predicate acts. 18 U.S.C.A. § 1961 et Seq.

81. Conspiracy ⇐47(5)

Evidence did not support conviction on conspiracy count under Racketeer Influenced and Corrupt Organizations Act, as charged in indictment, where no mail fraud occurred as to fire loss claim charged in indictment, and mail fraud which was part of plan by defendant and others to commit arson and mail fraud was not charged in the indictment. 18 U.S.C.A. § 1961 et seq.

82. Criminal Law ⇐564(2)

Venue need only be proven by preponderance of the evidence.

83. Criminal Law ⇐564(3)

As long as there is circumstantial evidence in record supporting inference that crime was committed in district where trial is held, direct evidence is not required to prove venue.

84. Criminal Law ⇐113

Venue for mail fraud prosecution properly lay in Middle District of Florida, based on testimony that original proof of loss had been mailed to Atlanta office by Tampa office adjuster and that it was customary to send proof of loss by mail to Atlanta division office. 18 U.S.C.A. §§ 1341, 3237(a).

85. Post Office ⇐35(6)

To sustain mail fraud convictions, it was not necessary to prove that defendant actually did the mailing; he need only have had reasonable basis to foresee his actions would result in use of the mails. 18 U.S.C.A. § 1341.

86. Post Office ⇐35(6)

Though one lacks actual intent to use mails, one "causes" mails to be used, as will sustain mail fraud conviction, when he acts with knowledge that mails will be used in ordinary course of business. 18 U.S.C.A. § 1341.

See publication Words and Phrases for other judicial constructions and definitions.

87. Post Office ⇐49(11)

It could be inferred that defendant, in filing claim with his local insurer, should have known that mails would be used in processing of his claim, so that evidence was sufficient to support convictions on mail fraud counts, despite absence of testimony pointing to defendant's mailing or causing to be mailed the proofs of loss. 18 U.S.C.A. § 1341.

88. Arson ⇐37(1)
Conspiracy ⇐47(3)

There was sufficient evidence for jury to infer that defendant was associated with enterprise engaged in business of burning property with intent to defraud insurance companies, and his participation in its affairs, as proved by evidence of arson and mail frauds, was sufficient to support conviction on substantive count under Racketeer Influenced and Corrupt Organizations Act, and on RICO conspiracy count for agreeing to participate. 18 U.S.C.A. §§ 1961 et seq., 1962(c).

89. Arson ⇐37(1)
Post Office ⇐49(11)

Evidence was sufficient to support convictions for mail fraud and violations of Racketeer Influenced and Corrupt Organizations Act arising out of arson of property owned by defendant and his receipt of $500 from insurer. 18 U.S.C.A. §§ 1341, 1961 et seq.

90. Post Office ⇐35(20)

Despite contention that no one in enterprise engaged in business of burning property with intent to defraud insurance companies did mailing or assisted in processing his claim for proceeds for burning of laundromat owned by him, fraudulent collection on insurance policy was part of scheme and it was not necessary that members of enterprise be involved in actual filing of claim in order for defendant to be convicted. 18 U.S.C.A. § 1341.

91. Arson ⇐37(1)
Conspiracy ⇐47(3)

It was not necessary to show that defendant was in management position for him to be convicted under Racketeer Influenced and Corrupt Organizations Act, and evidence that showed his association with enterprise engaged in business of burning property with intent to defraud insurance companies and that showed his participation in its affairs through arson and mail fraud activities was sufficient to support convictions on substantive and conspiracy counts under Racketeer Influenced and Corrupt Organizations Act. 18 U.S.C.A. §§ 1961 et seq., 1962(c).

92. Post Office ⇐49(11)

Evidence was sufficient to support mail fraud convictions of owner of property which was burned in order to collect from insurance company. 18 U.S.C.A. § 1341.

93. Arson ⇐37(1)
Post Office ⇐49(11)

An arson and two acts of mail fraud in collection on insurance policy were evidence of predicate crimes related to affairs of enterprise engaged in business of burning with intent to defraud insurance companies, thus meeting requirement of Racketeer Influenced and Corrupt Organizations Act of proof of pattern of racketeering activity. 18 U.S.C.A. § 1961 et seq.

94. Arson ⇐15

Despite contention that defendant was a mere "customer" of enterprise of-

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him in his brief on appeal of his conviction was not sufficient to vest appellate jurisdiction, since order of forfeiture was a different judgment from sentence and commitment order, and separate notice of appeal was required.

113. Commerce ⇐82.5

Term "interest" in forfeiture provisions of Racketeer Influenced and Corrupt Organizations Act does not include income or receipts from racketeering activity; only interests in an enterprise are subject to forfeiture. 18 U.S.C.A. §§ 1961 et seq., 1963.

See publication Words and Phrases for other judicial constructions and definitions

114. Forfeitures ⇐3

Insurance proceeds received by defendants from burning of their properties were proceeds or profits from the enterprise, and did not constitute "interest in an enterprise" subject to forfeiture provision of Racketeer Influenced and Corrupt Organizations Act. 18 U.S.C.A. §§ 1961 et seq., 1963.

115. Forfeitures ⇐3

Upon convictions under Racketeer Influenced and Corrupt Organizations Act, defendant's interest in two companies which were active in enterprise and provided funds for arson and fraud ventures were subject to forfeiture as interest affording a source of influence over the enterprise. 18 U.S.C.A. §§ 1961 et seq., 1963(a)(2).

Appeals from the United States District Court for the Middle District of Florida.

Before TUTTLE, VANCE and POLITZ, Circuit Judges.

POLITZ, Circuit Judge:

In the decade following enactment of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961 *et seq.*, prosecutions under that Act have begun to follow the recognizable patterns we noted in *United States v. Malatesta*, 583 F.2d 748 (5th Cir. 1978), *aff'd on reh. on other grounds*, 590 F.2d 1379 (5th Cir.) (en banc), *cert. denied*, 440 U.S. 962, 99 S.Ct. 1508, 59 L.Ed.2d 777 (1979). The cases are characterized by lengthy indictments involving multiple defendants charged with diverse criminal activity. In the style of that embryonic tradition this appeal presents sixteen defendants with a combined total of eighty convictions.

The prosecutions we review were commenced by an eighty-three page, thirty-five count indictment, charging twenty-three defendants with mail fraud, RICO conspiracy and RICO substantive violations, specifying sixty-nine overt acts and fifty-six predicate acts of racketeering activity. Three defendants entered guilty pleas. The remaining twenty were jointly tried before a jury in a trial spanning three months. After deliberating three and one-half weeks, the jury found four defendants not guilty and sixteen defendants guilty of one or more counts; all appeal.[1] The supplemented record on

1. The following concurrent sentences were imposed: GUARINO—Counts 1 & 2: 12 years per count; Counts 3-10, 14-20: 5 years per count; SCIONTI—Counts 1 & 2: 12 years per count; Counts 3-6: 5 years per count; FARINA—Counts 1 & 2: 8 years per count; Counts 9 & 10: 5 years per count; LOSTRACCO—Counts 1 & 2: 9 years per count; Counts 17 & 18: 5 years per count; MARTINO—Counts 1 & 2: 10 years per count; Counts 14, 15 & 16: 5 years per count; MORGADO—Counts 1 & 2: 9 years per count; Counts 21 & 22: 5 years per count; MACALUSO—Counts 1 & 2: 9 years per count; Counts 7, 8, 11, 12 & 13: 5 years per count; LAZZARA—Counts 1 & 2: 10 years per count; Counts 5 & 6: 5 years per count; RODRIGUEZ—Counts 1 & 2: 8 years per count; Counts 7 & 8: 5 years per count; RUSSELLO—Counts 1 & 2: 10 years per count; Counts 28 & 29: 5 years per count; CHASE—Count 1: 6 years; PALERMO—Counts 1 & 2: 8 years per count; Counts 3 & 4: 5 years per count; BROWN—Counts 1 & 2: 8 years per count; Counts 30 & 31: 5 years per count; FISHER—Counts 1 & 2: 8 years per count; Counts 32 & 33: 5 years per count; YOUNG—Counts 1 & 2: 8 years per count; Counts 32 & 34: 5 years per count; IRAL—Counts 1 & 2: 9 years per count; Counts 21 & 22: 5 years per count (Youth Corrections Act)

2. 18 U.S.C. § 1962 provides in part:
(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.
(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), or (c) of this section.

3. 18 U.S.C. § 1341 provides in pertinent part:
Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises ... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon ... shall be fined not more than $1,000 or imprisoned not more than five years, or both.

4. 18 U.S.C. § 2 provides:
(a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.
(b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

appeal includes 8 volumes of pleadings, nearly 100 volumes containing more than 11,000 pages of the testimony of over 200 witnesses, and 5 boxes of exhibits.

The indictment resulted from an investigation of a large number of suspected acts of arson occurring in Tampa and Miami, Florida between July 1973 and April 1976. The indictment charges that a group composed of an insurance adjuster, homeowners, promoters, investors and arsonists associated for the purpose of committing arson with the intent to defraud fire insurers. This association of individuals is characterized as an "enterprise," thus bringing the offenses within the purview of RICO, 18 U.S.C. § 1962.[2] Count 1, of which the sixteen defendants were convicted, charges a conspiracy to violate RICO, § 1962(d). Count 2, of which fifteen defendants were convicted, charges a substantive violation of RICO, § 1962(c). Counts 3 through 35 charge various defendants with violations of the mail fraud statute, 18 U.S.C. § 1341,[3] and aiding and abetting, 18 U.S.C. § 2,[4] arising out of the filing of insurance claims and receipt of payments for the losses resulting from the arsons.

Several issues are presented on appeal, some are common to all appellants, some to more than one, and some apply to only a particular appellant. Each appellant has filed a brief in which the arguments advanced by all other appellants are adopted. We shall, in general, address the common issues first and then review those issues pertinent to only a single appellant.

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I. *The Setting—The Cast*

A summarization of the facts concerning each of the fifteen fires and subsequent insurance claims is set forth in the Appendix. We discuss these facts in somewhat greater detail during consideration of various contentions of insufficient evidence to support the convictions. An overview of the charged conspiracy and enterprise, however, facilitates an understanding of the application of RICO, particularly because the degree of involvement varied with each defendant.

The arson ring began operating in 1973 when Paul Guarino and Frank Scionti hired Willie Noriega as their principal "torch." At first the arsonists only burned buildings already owned by those associated with the ring. Following a burning, the building owner filed an inflated proof of loss statement and collected the insurance proceeds from which his co-conspirators were paid. Later, ring members bought buildings suitable for burning, secured insurance in excess of value and, after a burning, made claims for the loss and divided the proceeds.

Different roles were played by those defendants comprising the enterprise. Joseph J. Carter was the insurance adjuster who, with knowledge of the arson, processed fire loss claims. In return for this service and for guiding others to insurance agencies where fire insurance could be secured in excess of the value of substandard property, Carter received a portion of the insurance proceeds. He pled guilty to nineteen counts and testified as a government witness.

Willie Noriega, the primary arsonist, pled guilty to all 35 counts and testified as the key government witness. Noriega was assisted in the "torching" by Paul Guarino, Frank Scionti, Joseph Macaluso and Victor Arrigo, who also testified as a government witness after pleading guilty to seven counts.

Sam C. Martino and Berton B. Chase provided financing for some of those who bought property targeted to be burned. Martino was in the real estate business and, in addition to arranging loans, located substandard property for use in the scheme. The defendants who acquired or aided in the acquisition of targeted property, secured excessive insurance and collected insurance payments included Carter, Guarino, Martino, Noriega, Macaluso, Amalia Morgado, John D. Fisher and Robert D. Young.

Several defendants already owned premises, mostly substandard, covered by fire insurance. They needed only the services of the arsonists and, in some instances, claims assistance. This group included Jimmy Farina, Joseph D. Lazzara, Rolando Gonzalez Rodriguez, Joseph C. Russello, John Alan Holt, Rosario Palermo and William H. Brown.

Finally, there were those who served as the contacts or go-betweens for persons who owned property they wished to have burned, or who wanted to acquire property for that purpose, and the arsonists. These "marketers" or "brokers" included Carter, Guarino, Scionti, Morgado, Martino and John Nicholas Lostracco.

With the basic structure of the "enterprise" and the roles of the various defendants in perspective, we now consider the assignments of error.

A. *Constitutionality of RICO*

The RICO statute is challenged on five grounds that, in the main, have been considered and dismissed in earlier cases. It is contended that RICO (1) punishes associational status, (2) does not apply to enterprises engaged solely in criminal activity, (3) is unconstitutionally vague, (4) operates *ex post facto*, and (5) is contrary to the Ninth and Tenth Amendments.

[1] In *United States v. Elliott*, 571 F.2d 880 (5th Cir.), *cert. denied*, 439 U.S. 953, 99 S.Ct. 349, 58 L.Ed.2d 344 (1978), we rejected the argument that RICO unconstitutionally punishes associational status; "its proscriptions are directed against conduct, not status." *Id.* at 903. Also in *Elliott*, and recently reaffirmed in *United States v. Diecidue*, 603 F.2d 535 (5th Cir. 1979), *cert. denied*, 445 U.S. 946, 446 U.S. 912, 100 S.Ct. 1345, 100 S.Ct. 1842, 63 L.Ed.2d 781, 64 L.Ed.2d 266 (1980), we held RICO applicable to a group whose sole purpose was to engage in illegal activities. Appellants request a reconsideration of that position in light of contrary opinions from other circuits.[5] We are aware of the criticisms leveled at our decisions and we recognize that appellants' position is arguably meritorious. What appellants request, however, is not a course available to this panel but is a prerogative only of our court sitting *en banc*.

[2] Appellants' third contention, that RICO is unconstitutionally vague, was rejected in *United States v. Hawes*, 529 F.2d 472, 479 (5th Cir. 1976), in which we held that a person of average intelligence, upon reading the statute with the aid of relevant definitional provisions, "could not help but realize that they would be criminally liable for participating in 'any enterprise,' including their own, 'through a pattern of racketeering activity.'"

[3] Whether RICO is unconstitutional as an *ex post facto* law because of judicial enlargement is a question never before considered by us. The defendants argue that by applying RICO to illegitimate as well as legitimate enterprises, we have deviated so far from an average person's understanding of RICO that an *ex post facto* effect results. It is not every judicial expansion of statutory construction that creates an *ex post facto* law; rather, it is only those which are "unexpected and indefensible by reference to the law which had been expressed prior to the conduct in issue." *Bouie v. City of Columbia*, 378 U.S. 347, 354, 84 S.Ct. 1697, 1703, 12 L.Ed.2d 894 (1964), *quoting* Hall, *General Principles of Criminal Law* at 61 (2d ed.1960).

[4] "Enterprise" is defined in § 1961 to include "any ... group of individuals associated in fact although not a legal entity." This language is broad and nonrestrictive. It is not unreasonable to suggest that this language encompasses groups associated for the purpose of committing arson with the intent to defraud. This general, non-specific language negates the contention that expansive judicial interpretation is either unexpected or indefensible. We do not find that the interpretation given to RICO by this court has so deviated from what would be an average person's understanding that an *ex post facto* effect has occurred. This contention of constitutional abrogation is infirm.

[5] We likewise reject the proposition that RICO violates the Ninth and Tenth Amendments. Appellants assert that RICO intrudes upon state sovereignty because the statute fails to require that the acts of racketeering *per se* affect inter-

5. *See, e. g., United States v. Turkette*, 632 F.2d 896 (1st Cir. 1980), *cert. granted*, ___ U.S. ___, 101 S.Ct. 908, 67 L.Ed.2d ___ (U.S.1981) (No. 80-808), argued April 27, 1981, 49 U.S.L.W. 3831; *United States v. Anderson*, 626 F.2d 1358 (8th Cir. 1980).

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state commerce. This argument ignores the essence of RICO which proscribes the furthering of the enterprise, not the predicate acts. The predicate acts are, in turn, proscribed by existing, enumerated state or federal laws. *United States v. Bright*, 630 F.2d 804 (5th Cir. 1980) Appellants were not convicted of the state offense of arson; they were all (except Chase) convicted of the federal offenses of mail fraud and of conspiring to participate and participating in the affairs of an enterprise affecting interstate commerce.

We conclude and hold that the five grounds upon which appellants challenge the constitutionality of RICO are without merit.

B. *The Indictment*

[6] The indictment is challenged on several grounds, including insufficiency, duplicity and misapplication of RICO. It is also contended that there is a variance between the indictment and the evidence. First, it is argued that the required effect of interstate commerce is not sufficiently alleged. Like the indictment in *Diecidue, supra*, the instant indictment tracks the language of the statute as to the effect on interstate commerce. The indictment further charges that the defendants "did knowingly and willfully place and cause to be placed . . . in authorized depositories for mail matter to be sent and delivered according to the directions thereon by the Postal Service of the United States." The effect on interstate commerce is sufficiently alleged.

[7] Appellants contend that Count 1 charges multiple conspiracies and therefore the indictment is duplicitous. Appellants insist that each fire listed constitutes a separate conspiracy. To the contrary, "[t]he allegations addressed to the various substantive offenses committed as part of the conspiracy are merely descriptive of the single overall agreement." *Diecidue*, 603 F.2d at 546. The count is not duplicitous; it charges a single conspiracy involving several acts.

[8] It is next contended that the indictment is fatally defective because the appellants are charged under the wrong subsection of § 1962. It is argued that inasmuch as they are charged with associating with the other defendants, as the enterprise involved, they were mistakenly charged with violating subsection (c), rather than (b). This argument founders on the shoals of the language of RICO. Subsection (b) proscribes acquiring or maintaining an interest or control in an enterprise through a pattern of racketeering activity; subsection (c) makes it unlawful for one associated with or employed by the enterprise to participate in the conduct of its affairs through a pattern of racketeering activity. Appellants insist that § 1962(c) applies only to those who manage the enterprise, *i. e.*, the top coterie. We disagree. Section 1962(c) makes it unlawful to "conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs." The word "conduct" is neither illusive nor mysterious, nor is its use unique to RICO. It is found in other statutes including, *inter alia*, 18 U.S.C. § 1955 which makes it a crime for one to conduct an illegal gambling business. In *United States v. Tucker*, 638 F.2d 1292 (5th Cir. 1981), we held that a waitress serving drinks to customers engaged in gambling conducts an illegal gambling business within the intendment of 18 U.S.C. § 1955. We concluded in *Tucker* that the word "conducts" simply means the performance of activities necessary or helpful to the operation of the enterprise.

[9] Finally, appellants cite *Kotteakos v. United States*, 328 U.S. 750, 66 S.Ct. 1239, 90 L.Ed. 1557 (1946), attacking the indictment on the ground that it alleges only one conspiracy while the government's evidence establishes multiple conspiracies. They contend that this results in a variance that substantially prejudiced their rights contrary to *Kotteakos*. We disagree. This argument has been considered in *Elliott*, *Diecidue*, and *Bright*, *supra*, and in *United States v. L'Hoste*, 609 F.2d 796 (5th Cir.), *cert. denied*, --- U.S. ---, 101 S.Ct. 104, 66 L.Ed.2d 39 (1980). In *L'Hoste* we resolved this issue adverse to the appellants, stating: "If the Government proves multiple conspiracies and a defendant's involvement in at least one of them, then clearly there is no variance affecting that defendant's substantial rights." 609 F.2d at 801, *citing United States v. Wayman*, 510 F.2d 1020 (5th Cir.), *cert. denied*, 423 U.S. 846, 96 S.Ct. 84, 46 L.Ed.2d 67 (1975). Following the path of *L'Hoste*, we find no variance affecting the appellants' substantial rights.

We find no merit in any of appellants' challenges to the indictment.

C. *Double Jeopardy*

[10] Appellants submit that the government should have been forced to elect between Counts 1 and 2 because prosecution on both does violence to the double jeopardy clause which "protects against multiple punishments for the same offense." *United States v. Smith*, 574 F.2d 308, 309 (5th Cir.), *cert. denied*, 439 U.S. 931, 99 S.Ct. 321, 58 L.Ed.2d 325 (1978), *quoting North Carolina v. Pearce*, 395 U.S. 711, 717, 89 S.Ct. 2072, 2076, 23 L.Ed.2d 656 (1969). The "same offense" test may be simply stated: If there is any difference in the elements to be proven, the two instances are not the same offense. *Blockburger v. United States*, 284 U.S. 299, 52 S.Ct. 180, 76 L.Ed. 306 (1932). Application of the rubric to RICO violations requires pause and reflection because of the nature of the RICO statute. We bear in mind that under *Blockburger* we must determine if one offense requires proof of a fact not required by the other.

[11] Prosecution of RICO substantive and conspiracy charges expectedly involves considerable overlap in the evidence, especially where the enterprise exists as a consequence of persons associating and committing acts making up a pattern of racketeering activity. Such overlap does not occasion an automatic invocation of double jeopardy. *Iannelli v. United States*, 420 U.S. 770, 95 S.Ct. 1284, 43 L.Ed.2d 616 (1975).

[12] A RICO substantive charge requires proof of the existence of an enterprise which affects interstate commerce and that the defendant participated in the conduct of the enterprise's affairs by committing at least two of the designated acts of racketeering activity. A RICO conspiracy charge requires the additional element of agreement; the defendant must have "objectively manifested an agreement to participate, directly or indirectly, in the affairs of an enterprise *through the commission of two or more predicate crimes*." *Elliott*, 571 F.2d at 903 (emphasis in original). The *Elliott* court also stated that the agreement involved in a RICO conspiracy must include the vital element of agreeing to commit the predicate acts. Upon proof of the commission of racketeering activity, "the inference of an agreement to do so is unmistakable." *Id.* This statement has been interpreted to cast a shadow across the sun because it leads to the argument

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that the distinguishing element of subsection (d) (the agreement to violate) evaporates because proof of the substantive charge automatically includes proof of a conspiracy. *United States v. Anderson*, 626 F.2d 1358, 1368–69 n. 18 (8th Cir. 1980); Note, *Racketeers, Congress and the Courts: An Analysis of RICO*, 65 *Iowa L.Rev.* 837, 879 (1980). If the only evidence offered from which a jury can infer an agreement to participate in the enterprise is evidence of engaging in a pattern of racketeering activity, the requisites for applying the double jeopardy rule would appear to exist.

[13] Albeit persuasive, this argument glosses over the essential teaching of *Blockburger* and obfuscates the inquiry whether the two counts charge the same offense. The aegis of the double jeopardy clause of the Fifth Amendment is not invoked merely by showing that a jury had the opportunity to convict on two counts by drawing appropriate inferences from the same evidence. "[T]he *Blockburger* test looks *not* to the evidence adduced at trial but focuses on the elements of the offense charged." *United States v. Cowart*, 595 F.2d 1023, 1029 (5th Cir. 1979). That the distinguishing element can be proven by the same evidence as that used to convict on another count does not bring the offenses within the context of double jeopardy. *United States v. Dunbar*, 591 F.2d 1190 (5th Cir. 1979), *aff'd on reh. on other grounds*, 611 F.2d 985 (5th Cir. 1980) (en banc). The RICO substantive and RICO conspiracy convictions are not vitiated by the double jeopardy clause.

6. This fire was not the subject of a mail fraud count, but was named as an overt act in Count 1.

D. *Pre-trial Matters*

Appellants request our review of certain pre-trial matters they contend constitute reversible error. These include motions for bill of particulars, requests for *Brady* material and the medical examination into Willie Noriega's competence to testify.

[14–16] It is argued that because of the complexity of the case, the motions for bill of particulars should have been granted to prevent confusion which hindered the defendants from understanding the nature of the charges against them. Action on a motion for bill of particulars is committed to the sound discretion of the trial judge. We may reverse a ruling denying the motion only if a defendant demonstrates that he was "actually surprised at trial and thus incurred prejudice to his substantial rights by the denial." *Diecidue*, 603 F.2d at 563. No such demonstration has been made to this court; there has been no abuse of discretion and no reversible error exists.

Appellants contend that the government failed to comply with the disclosure requirements of *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), and its progeny. They specifically call our attention to inconsistent statements made prior to and during trial by a government witness and a letter sent to the U.S. Attorney by a psychiatric expert for the government. The alleged inconsistent statements were made by a witness with respect to a 1972 fire in which two arsonists died.[6] In her first statement to the police shortly after the fire, the witness said that Robert Bradwell (one of the arsonists who died) had told her that he had been robbed and set on fire by unknown persons. At trial, she testified that Bradwell had asked her to make that statement, but that he also told her what really happened: he had been burned while he, Lester Oates and Paul Guarino set fire to the Kakeland Bakery.

[17–19] As impeaching evidence, the prior inconsistent statement would fall within disclosure requirements because *Brady* encompasses impeachment evidence as well as evidence favorable to the accused on the issue of guilt. *United States v. Auten*, 632 F.2d 478 (5th Cir. 1980). Failure of the government to disclose information useful only for impeachment, however, mandates reversal only if defendants demonstrate that the undisclosed evidence probably would have resulted in acquittal. *United States v. Anderson*, 574 F.2d 1347 (1978). It cannot be seriously contended that this one statement made by one of the more than one hundred government witnesses would probably have resulted in acquittal. The claim is devoid of merit.

[20, 21] The remaining asserted *Brady* violation concerns a letter written to the U.S. Attorney by the psychiatrist who served as the government's witness on rebuttal. In the letter the psychiatrist opined that Willie Noriega was not psychotic in 1963 but that he had self-induced psychotic symptoms by using drugs in an attempt to avoid prosecution for arson. The letter was given to the defendants after the doctor testified, consistent with the requirements of the Jencks Act, 18 U.S.C. § 3500. This disclosure expunged any earlier error because "when alleged *Brady* material is contained in Jencks Act material, disclosure is generally timely if the government complies with the Jencks Act." *Anderson*, 574 F.2d at 1352. This *Brady* claim is also without merit.

Pursuant to a defense request prior to trial, the trial court exercised its discretion and appointed an expert to conduct a competency examination of Noriega. *See United States v. Roach*, 590 F.2d 181 (5th Cir. 1979); *United States v. Jackson*, 576 F.2d 46 (5th Cir. 1978). The psychiatrist was instructed to examine Noriega and formulate an opinion about his present mental state and whether he was then able to differentiate reality from fantasy and accurately to remember and relate events that occurred during the prior five years. The expert determined Noriega was competent to testify at trial. Appellants insist the court erred in not requiring the psychiatrist also to determine Noriega's mental condition during the time period of the alleged offenses.

[22, 23] Whether a witness is competent to testify is a threshold question of law to be answered by the judge. *Roach, supra*; Wharton's Criminal Evidence, Vol. 11 § 377 (13th ed. C. Torcia 1972). It is left to the jury to assess a witness's credibility and the weight to be accorded his testimony. Because a witness's mental state during the period about which he proposes to testify is a matter which affects his credibility, it is a jury determination and thus not germane to competency to testify. We pasted this trail in *United States v. Partin*, 493 F.2d 750, 762 (5th Cir. 1974), *cert. denied*, 434 U.S. 903, 98 S.Ct. 298, 54 L.Ed.2d 189 (1977):

> The readily apparent principle is that the jury should, within reason, be informed of all the matters affecting a witness's credibility to aid in their determination of the truth .... It is just as reasonable that a jury be informed of a witness's mental incapacity

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at a time about which he proposes to testify as it would be for the jury to know that he then suffered an impairment of sight or hearing. It all goes to the ability to comprehend, know, and correctly relate the truth.

See also Greene v. Wainwright, 634 F.2d 272 (5th Cir. 1981).

[24] In the case at bar the trial judge was not obligated to ask the court-appointed expert to determine Noriega's mental capacity at the time of the alleged offenses as well as his competence to testify. It would not have been error had the trial judge done so, for this would have been an additional item of evidence for the jury to consider in making its credibility assessment. Nevertheless, to decline to grant this defense request does not constitute reversible error. The defendants had ample opportunity to show Noriega's mental condition at the time about which he testified. Defense experts testified, as did acquaintances of Noriega who knew him during the arson spree. Furthermore, the jury was properly instructed to consider evidence of a witness's mental condition at the time of the incidents in judging the credibility of the witness and the weight to be given to that witness's testimony.

E. *Joint Trial versus Severance*

[25–27] Each appellant alleges prejudice by the joinder of his trial with the other defendants and that the trial judge committed reversible error in failing to grant the repeated motions for severance. Joinder was proper under Rule 8(b), Fed.R.Crim.P. *See Bright, supra.* Accordingly, defendants must rely on Rule 14, Fed.R.Crim.P., which permits severance if a defendant is prejudiced by the joinder.[7] On a Rule 14 severance motion, the trial judge is required to weigh the prejudice inherent in a joint trial in light of the realities of judicial economy and to sever defendants as the needs of justice dictate. *United States v. McLaurin*, 557 F.2d 1064 (5th Cir. 1977), *cert. denied*, 434 U.S. 1020, 98 S.Ct. 743, 54 L.Ed.2d 767 (1978). The denial of a motion to sever is reversible only for abuse of discretion. An appellant's burden of showing prejudice is onerous; the general test is:

> whether under all the circumstances of the particular case, as a practical matter, it is within the capacity of the jurors to follow the court's admonitory instructions and accordingly to collate and appraise the independent evidence against each defendant solely upon that defendant's own acts, statements and conduct. In sum, can the jury keep separate the evidence that is relevant to each defendant and render a fair and impartial verdict as to him? If so, though the task be difficult, severance should not be granted.

Peterson v. United States, 344 F.2d 419, 422 (5th Cir. 1965).

To buttress their claim of prejudice, appellants submit an impressive litany: there were twenty defendants, most with Spanish or Italian surnames; thirty-five counts (only thirty-three remained after Noriega pled guilty) were charged, but many of the defendants were charged in only a few of the counts; the trial lasted three months; the jury heard over 200 witnesses, some testifying against many defendants, others testifying against only a few; and there were nineteen defense counsel and three prosecuting attorneys, all within the confines of a modest sized courtroom. Appellants argue that the totality of these facts created a "circus" atmosphere rather than that which should prevail for a serious criminal trial.

7. Rule 14, Fed.R.Crim.P., provides in pertinent part:

> If it appears that a defendant ... is prejudiced by a joinder of offenses or of defendants in an indictment ... or by such joinder for trial together, the court may ... grant a severance of defendants.

[28] We are keenly aware that joint trials, especially those involving numerous defendants and multiple charges, carry substantial risks of manifest unfairness. We do not encourage trials en masse. We must, however, reckon with the realities of this type prosecution. The Constitution does not guarantee a trial free from the burdens that inevitably accompany such a trial; rather, it requires that the potential for transferability of guilt be minimized to the extent possible in order to "individualize each defendant in his relation to the mass." *Kotteakos, supra; United States v. LeCompte*, 599 F.2d 81 (5th Cir. 1979), *cert. denied*, 445 U.S. 927, 100 S.Ct. 1313, 63 L.Ed.2d 759 (1980); *Elliott, supra.* We recently confronted this same issue in *United States v. Morrow*, 537 F.2d 120, 136 (5th Cir. 1976), *cert. denied*, 430 U.S. 956, 97 S.Ct. 1602, 51 L.Ed.2d 806 (1977), and our discussion relative to severance is appropriate here:

> In reviewing a claim of undue complexity and confusion, an appellate court looks to the totality of the circumstances in striking a balance between the interest in judicial economy and the need to protect the rights of the individual defendant. A joint trial of twenty-three defendants, charged with conspiracy and numerous substantive counts, clearly raised the possibility that the jury might cumulate the evidence introduced by the Government on all counts and against all defendants to find guilty a defendant whose connection with the conspiracy was at best marginal. The pernicious effect of cumulation, however, is best avoided by precise instructions to the jury on the admissibility and proper uses of the evidence introduced by the Government. The remedy of severance is justified only if the prejudice flowing from a joint trial is clearly beyond the curative powers of a cautionary instruction. Where the Government charges a single conspiracy, as it did here, much of the evidence introduced ultimately bears, at least indirectly, on the agreement of the co-conspirators. Once the Government has satisfactorily established the existence of the conspiracy, the same evidence used to convict a particular defendant is admissible against all co-defendants shown to be members of the conspiracy. Given this state of affairs, the interest in judicial economy understandably exerts strong pressures in favor of a joint trial.

In the case *sub judice* Judge Hodges faced a formidable task. He conducted the trial with great skill and with a judicial professionalism much to be admired. He minimized the potential transference of guilt with every tool at his command. He gave careful, detailed instructions about the elements of RICO conspiracy and RICO substantive charges, doing so, as appropriate, as they related to each defendant. Proper uses of evidence were explained. Judge Hodges met the burden of avoiding the "pernicious effect of cumulation."

[29] Notwithstanding the very skillful presiding of the trial judge, appellants argue that the totality of the circumstances were such that a jury had to be confused and unable to individualize the verdicts simply because of the volume of evidence which inundated them. We acknowledge the validity of this concern

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and, were it not for the manner in which Judge Hodges handled this obviously difficult trial and our review of the verdicts in light of the record, we might be prone to agree with appellants. We finally resolve this contention by "look[ing] to the verdict. Convictions will invariably be sustained if it may be inferred from the verdict that the jury 'meticulously sifted the evidence' as where it acquits on certain counts." *Tillman v. United States*, 406 F.2d 930, 936 (5th Cir.), *vacated in part on other grounds*, 395 U.S. 830, 89 S.Ct. 2143, 23 L.Ed.2d 742 (1969), *quoting* 8 Moore, *Federal Practice* ¶ 14.04[1], at 14–15 (2d ed. 1968). It is apparent from the verdicts reached that the jury, after more than three weeks of deliberation, did "meticulously sift" the evidence. Four defendants were acquitted on all charges; eight others were convicted on some charges but acquitted on others. Although coming close, defendants have not met the burden imposed to compel our finding of an abuse of discretion.[8]

F. *Trial Errors*

Appellants allege reversible error because of prosecutorial misconduct, misconduct of defense counsel and various other trial errors. They maintain that whereas the alleged errors singularly might not be sufficient to mandate reversals, their cumulative effect denied appellants a fair trial, warranting reversals of the convictions. After examining each error assigned, we are compelled to disagree.

1. Jencks Act

[30, 31] Appellants condemn the manner in which the government conducted interviews with its witnesses ostensibly to avoid producing Jencks Act material under 18 U.S.C. § 3500,[9] calling it "the most abusive conduct by the government." It became evident during trial that government attorneys and FBI agents held several interviews with potential witnesses but no written or recorded statements were taken. Appellants argue that the government purposely failed to record the interviews because they wanted to hinder the defense and that such tactics by the prosecution should not be tolerated.

[32] No requirement has been brought to our attention that all interviews must be recorded or that interview notes must be reduced to writing and signed or otherwise approved by the witness. We cannot presume that the prosecutor acted in bad faith by failing to reduce his notes to statement form. That interviewers usually take notes rather than verbatim statements was noted by Justice Powell

8. We are mindful of our recent decision in *United States v. Diaz-Munoz*, 632 F.2d 1330 (5th Cir. 1980), where we found that the jury had not been able to evaluate each defendant's position properly. That case is not controlling. In *Diaz-Munoz* we found that misconduct had occurred in the rebuttal but joinder was proper. Furthermore in *Diaz-Munoz* the jury deliberated for less than three hours (including lunch); in the case we review the jury deliberated over three weeks.

9. Under the Jencks Act, the government is required to produce any statement of a witness, after that witness testifies and upon motion of the defendant, that is in the possession of the United States and relates to the subject matter to which the witness testifies. "Statement," within the context of this Act, means one that is written, transcribed, or stenographically, mechanically or electronically recorded and is a substantially verbatim recital of an oral statement made by the witness and recorded contemporaneously with the making of such oral statement. It is undisputed that notes taken by an interviewer during an interview with the witness do not qualify as a statement under the Jencks Act. *United States v. Cuesta*, 597 F.2d 903 (5th Cir. 1979); *United States v. Scaglione*, 446 F.2d 182 (5th Cir.), *cert. denied*, 404 U.S. 941, 92 S.Ct. 284, 30 L.Ed.2d 254 (1971).

in his concurrence in *Goldberg v. United States*, 425 U.S. 94, 122 n.9, 96 S.Ct. 1338, 1345 n.9, 47 L.Ed.2d 603 (1976), wherein he stated:

> Indeed, only the foolish or exceptionally talented counsel will depend solely on his memory when preparing for the examination of a key witness. But the fact that counsel usually will take notes does not mean that the notes often will be "statements." Counsel rarely take down verbatim what witnesses say in these preparatory conferences. Consequently, prosecutors' notes may be expected to meet the requirements of [18 U.S.C. § 3500](e)(2) very infrequently. (Citations omitted.) The notes taken will vary from cryptic "memory jogs" to full summaries of the anticipated testimony.

Appellants' claim of error on this issue is without merit.

2. Opening Statements

Comments made during opening statements by two of the twenty-two lawyers involved in this trial have been singled out and categorized as highly prejudicial and sufficient to warrant reversal. One statement is attributed to the prosecutor who informed the jury that Noriega and his family had been relocated to a different part of the country as a result of his cooperation with the government and that Noriega had received approximately $34,000 from the government. Defendants contend this was an improper reference to the federal Witness Protection Program and was a suggestion to the jury that the defendants were a source of danger to Noriega.

Reference to a witness's participation in the Witness Protection Program was also at issue in the appeal after remand in *United States v. Partin*, 552 F.2d 621 (5th Cir.), *cert. denied*, 434 U.S. 903, 98 S.Ct. 298, 54 L.Ed.2d 189 (1977). In *Partin* we recognized that disclosure of such participation is a delicate matter because the jury might infer that the defendant is a threat to the witness or his family. We made clear that the prosecution may not exploit the possibility of such an inference. At the same time, however, we recognized that the defendant should be permitted to show that a witness, while in the program, received substantial benefits. Such information is relevant in the ultimate determination of the witness's credibility.

[33, 34] Anticipating that Noriega's receipt of benefits from the government would be used to impeach his credibility, the prosecutor chose to inform the jury of this in his opening statement. This information is admissible and we cannot say that the prosecutor's brief comment at the beginning of trial was an unfair exploitation.[10]

[35] The remaining comment during opening statements to which defendants assign error was made by counsel for co-defendant Lostracco who commented that his client, presented as entirely inno-

10. Defendants also complain about various comments made by the prosecutor during closing argument. Specifically, they point to remarks about "defense lawyer tactics," the "millionaire defense," the individual victims of the arsons, and his response to defendant Chase's argument by saying "the government's evidence has been truthful." We do not find that such comments meet the test for a new trial as again recently stated in *United States v. Lochmiller*, 610 F.2d 1272, 1281 (5th Cir.), *cert. denied*, 447 U.S. 907, 100 S.Ct. 2991, 64 L.Ed.2d 856 (1980), *quoting United States v. Blevins*, 555 F.2d 1236, 1240 (5th Cir. 1977), *cert. denied*, 434 U.S. 1016, 98 S.Ct. 734, 54 L.Ed.2d 761 (1978). "[p]rosecutorial misconduct at the bount of improper comments . . . 'must be so pronounced and persistent that it permeates

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cent of the charges brought against him, was forced as a result of the indictment to sit down with a "bunch of gangsters." Defendants argue that this comment was highly prejudicial, especially in light of the surnames of most of the defendants. While we do not condone such tactics or language by any counsel in any stage of a trial, we are not persuaded that it was so prejudicial as to mandate reversals. The statement in question was made at the beginning of a lengthy trial and was not repeated. After viewing the entire record, we are not convinced that the improper statement influenced the jury at all. We find the error harmless.

3. Defense Counsel's Comment on His Client's Decision to Testify

[36] Counsel for Lostracco is the subject of another assignment of error. In closing argument, he made repeated references to Lostracco's testimony, emphasizing that his client had chosen to testify. The other defendants contend that this was an improper reference to their decisions not to testify, thus causing reversible error. This argument was raised and rejected in *Dicenso, supra*, wherein we noted that while references to an accused's silence is reversible error, "mere favorable observation on the willingness of one of several codefendants to testify" is not reversible error. 603 F.2d at 553. This assignment is without merit.

4. Assertion of Fifth Amendment Privilege

[37, 38] Another argument raised by appellants was similarly rejected in *Dicenso*, a case in which Willie Noriega also testified as a government witness. In both trials, Noriega chose to exercise his Fifth Amendment right against self-incrimination. In both appeals the defendants have argued that Noriega's decision to exercise his Fifth Amendment right denied them the right of confrontation. The questions which prompted assertion of the Fifth Amendment privilege were almost identical in both proceedings. In *Dicenso* we noted that where a witness legitimately invokes the privilege, the testimony is to be struck only if the defendants' resultant inability to complete their questioning creates a substantial risk of prejudice. Generally, it is only when a witness refuses to answer questions on direct, as opposed to collateral issues, that his testimony is excised. The questions asked of Noriega were aimed at undermining his credibility. His credibility had already been the subject of intense attack during cross-examination. Therefore, as in *Dicenso*, "the responses elicited by defendants' questions would have been mere cumulative evidence of credibility." 603 F.2d at 552. The trial judge's refusal to strike the responses was not erroneous. This same rationale applies to defendants' argument relating to witness Joseph Carter's decision to invoke his Fifth Amendment privilege.[11]

5. Noriega's Competence to Testify

[39, 40] Noriega's competence to testify has been attacked by several defend-

the entire atmosphere of the trial." Furthermore, the prosecutor's comment on rebuttal that his evidence was "truthful" was proper because [illegible] ... does not prejudice [illegible] a defendant's argument if it is specifically directed to the questions made by defense counsel in order to remove any stigma cast upon him or his witnesses."

United States v. Dorr, 636 F.2d 117, 120 (5th Cir. 1981).

11. Defendants also claim that their right of cross-examination was impaired when Noriega asserted his attorney-client privilege in response to the question whether he had asked his attorney to work with the U.S. Attorneys on his behalf. This claim is frivolous. The response was given only once during extensive examination. Noriega was subsequently asked whether he had sought help from the U.S. Attorney and he answered affirmatively. No possible harm resulted from his initial assertion of the privilege.

12. Appellants also contend that the decision was inadmissible as hearsay. This argument

ants who contend that Noriega was incompetent and that his testimony was incredible as a matter of law. As discussed earlier, whether a witness is competent to testify is a question of law for the trial judge. Unless an abuse of discretion is demonstrated, the trial judge's decision will not be disturbed. *United States v. Killian*, 524 F.2d 1268 (5th Cir. 1975), *cert. denied*, 425 U.S. 935, 96 S.Ct. 1667, 48 L.Ed.2d 177 (1976). No such demonstration has been made.

6. Admissibility of Plea Agreement

Appellants object to the introduction into evidence of Noriega's plea agreement. Complaints are specifically made with reference to portions of the plea agreement that mention needed protection for Noriega and his family and his promise to testify "truthfully." Appellants concede that they cross-examine Noriega extensively about his plea agreement; nevertheless, they allege that the areas of the agreement to which they object were not covered in their cross-examination.

[41-43] The possibility that the jury would infer that the defendants were the source of danger to Noriega was eliminated by the trial judge's comments to the jury that the source of the threat was not the defendants in the instant case, but rather the defendants in another case in which Noriega had testified. As relates to the issue of the threat, it was not error to allow the jury to view the agreement between Noriega and the government. Nor did the plea agreement constitute an impermissible affirmation or bolstering by the prosecutor of the credibility of a government witness. The statement in the plea agreement that Noriega promised to testify "truthfully" does not constitute error-laden vouching for the credibility of a government witness. *United States v. Arroyo-Angulo*, 580 F.2d 1137 (2d Cir.), *cert. denied*, 439 U.S. 913, 99 S.Ct. 285, 58 L.Ed.2d 260, and 439 U.S. 1005, 99 S.Ct. 618, 58 L.Ed.2d 681 (1978), and 439 U.S. 1131, 99 S.Ct. 1052, 59 L.Ed.2d 95 (1979); *United States v. Isaacs*, 493 F.2d 1124 (7th Cir. 1974). As we stated in *United States v. Rosen*, 441 F.2d 242, 244 (5th Cir. 1971): "If the defense relies upon the existence of the plea bargain to attack the credibility of the witness, it is not then entitled to preclude the jury from being apprised of additional matters relevant to the bargain so as to leave an incorrect inference that the witness has made a better bargain for himself ... than in fact he has made." The court properly admitted the plea bargain agreement into evidence; appellants' arguments to the contrary are rejected.[12]

7. References to Polygraph Tests

[44, 45] During cross-examination, Noriega made reference to his willingness to take a lie detector test.[13] The defendants

moves the mark. The document was not introduced to establish the truth of the factual assertions contained therein; rather, it was merely introduced to establish the fact of its existence and contents. As such, it was not hearsay.

13. The comment arose during the following exchange:

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argue that the comment was so prejudicial that a mistrial should have been granted. It is currently the law in this circuit that the results of a polygraph test are inadmissible in evidence. *United States v. Clark*, 598 F.2d 994 (5th Cir. 1979). Because the jury is not allowed to know the results of the test, appellants insist that to permit a witness to testify concerning his willingness to take the test constitutes improper bolstering. Although we agree that Noriega's response to the question was improper, we do not agree that it was prejudicial to the point of measurably affecting the jury's verdicts. The trial judge not only cautioned the jury twice to disregard Noriega's comment, he also told them why such an instruction was being given. He explained that polygraph tests have not yet achieved sufficient scientific reliability to be admissible in evidence. If there was any prejudice to the defendants, such prejudice was cured by the careful manner in which the trial judge handled the situation.[14]

8. Comment on Defendants' Failure to Testify

Appellants suggest that an exchange that occurred after Noriega's response as set forth in footnote 13, was grounds for a mistrial. They claim that the prosecutor made an improper reference to the decision of some of the defendants not to testify. That reference ostensibly occurred during the following exchange:

> THE COURT: Well, I will instruct the jury to altogether disregard that last part of the witness's answer.
>
> MR. COHEN: Judge, I would like to be heard on that outside the presence of the jury. I think—
>
> THE COURT: Well, you may.
>
> MR. COHEN: I think that my client will be more than willing to enter that sort of stipulation.
>
> MR. HOGUE: (The Prosecutor) Objection to counsel testifying. If he wants to take the stand he may.

At this point the judge excused the jury and held a discussion with counsel.

[46] The comment by the prosecutor that "If he wants to take the stand he may," immediately followed the prosecutor's objection to defense counsel testifying. It strains credulity to believe that the prosecutor was referring to a defendant. To accept the appellants' argument we would have to view that statement out of the context in which it was said, a clearly impermissible approach. *See United States v. Austin*, 585 F.2d 1271 (5th Cir. 1978). Furthermore, the statement was not of "such a character that the jury would naturally and necessarily take it to be a comment on the failure of the accused to testify." *United States v. White*, 444 F.2d 1274, 1278 (5th Cir.), *cert. denied*, 404 U.S. 949, 92 S.Ct. 300, 30 L.Ed.2d 266 (1971). It was not a reversible error reference to the defendants' election not to testify.

9. Miscellaneous Improper Comments

[47, 48] Various responses given by witnesses during the trial are challenged as being so prejudicial that they denied the defendants a fair trial. Our review of the record leads to the conclusion that these responses did not result in prejudice to the defendants. In reaching this conclusion we follow the guidelines expressed in *United States v. Hyde*, 448 F.2d 815, 847 (5th Cir. 1971), *cert. denied*, 404 U.S. 1058, 92 S.Ct. 736, 30 L.Ed.2d 745 (1972). "Allegedly improper statements should not be viewed in the abstract. The question is what impact they had in the context of the particular trial in terms of their relevance and the quantity of untainted evidence in the case." As we noted earlier, this trial lasted over three months and the record includes more than 11,000 pages of testimony. We cannot say that the four or five responses complained of by the defendants measurably affected the jury in any way. This complaint is likewise without merit.

10. Exclusion of Hearsay Testimony

Lazzara argues that certain hearsay testimony was wrongfully stricken from the record, resulting in prejudicial and reversible error. We do not agree. The hearsay testimony was elicited from witness Ruth McElroy, the mother of Hiram McElroy who was working for Lazzara at a Miami laundromat when it burned. Noriega testified that, as part of the scheme, he took Hiram McElroy to the bus station in Miami and then returned to the laundromat to set the fire. Noriega admitted responsibility for the fire, saying he set it at Lazzara's request. Hiram McElroy, on the other hand, allegedly told his mother that he was sleeping in the laundromat when the fire broke out and that earlier he had been cooking on a hot plate and may have left it on. McElroy died prior to trial and Lazzara tried to get his statement into evidence as an exception to the hearsay rule under Rule 804(b)(3), Fed.R.Evid. The trial judge ruled the testimony was inadmissible hearsay. Rule 804 provides in part:

> (a) Definition of unavailability.—'Unavailability as a witness' includes situations in which the declarant—
>
> . . . . . .
>
> (4) is unable to be present or to testify . . . because of death . . .
>
> (b) Hearsay exceptions.—The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:
>
> . . . . . .
>
> (3) Statement against interest.—A statement which . . . at the time of its making . . . so far tended to subject him to civil . . . liability . . . that a reasonable man in his position would not have made the statement unless he believed it to be true.

In relying on this hearsay exception rule, Lazzara argues that McElroy subjected himself to civil liability by admitting possible fault in the laundromat fire.

[49] We find no error in the judge's decision to strike the hearsay testimony. As reflected by the specific language used in Rule 804(b)(3), the statement

Q (By defense attorney Mr. Cohen) Now, do you know, sir, that you like to do a good job as a witness in this case for the Government; do you not?
A I'm testifying to the truth, sir.
Q Would you like to see the Government win this case?
A It doesn't make any difference to me.
Q You don't care; is that your testimony?
A My testimony is I am here to testify to the truth, and I am willing to take a lie detector test if your client is.

14. There was another reference made to the polygraph test by government witness James Earl Wright. Under cross-examination concerning a pending state charge against him, Wright said that he really was not concerned about the charges because he knew he could beat those charges by taking a polygraph test. The reference had nothing to do with the charges that were the subject of the trial. No prejudice occurred as a result of that fleeting comment.

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against interest must be almost a direct, outright statement that the person was legally at fault. McElroy's statement simply indicated that he might have been the one who caused the fire. There was testimony from fire inspectors that a hot plate was involved but that the fire was the result of arson. We agree with the trial judge that McElroy's statement was not a declaration sufficiently subjecting him to civil liability to invoke the quoted exception to the hearsay rule.

11. Sequestration Breaks

[50] Appellants complain that once the trial judge chose to sequester the jury, it was error for him then to allow breaks in that sequestration by permitting the jurors to visit with family members without repeatedly reinstructing them about avoiding outside influence. Before a reversal will lie on this ground, appellants "must demonstrate a substantial likelihood that some prejudice did result." *United States v. Harris*, 458 F.2d 670, 675 (5th Cir.), *cert. denied*, 409 U.S. 868, 93 S.Ct. 195, 34 L.Ed.2d 145 (1972).

[51, 52] The trial judge has the discretion to decide whether to disperse the jury. *Tyler v. United States*, 397 F.2d 565 (5th Cir. 1968), *cert. denied*, 394 U.S. 917, 89 S.Ct. 1187, 22 L.Ed.2d 450 (1969). In the cases dealing with breaks in sequestration, emphasis is usually placed upon the fact that the judge reminded the jury to avoid outside influence. *United States v. Banks*, 485 F.2d 545 (5th Cir. 1973), *cert. denied*, 416 U.S. 987, 94 S.Ct. 2391, 40 L.Ed.2d 764 (1974); *Tyler*, *supra*. In the instant case, while the jury was not reinstructed prior to every break in sequestration, they were constantly reminded during the course of the trial (at which time they were not under order of sequestration) not to discuss the case with anyone and to avoid reading any publicity concerning the trial. While sequestered, and pursuant to the judge's orders, the U.S. Marshals (in whom custody of jurors is entrusted) repeatedly reminded the jurors to refrain from discussing the case. Newspapers brought in by family members were edited before being given to the jurors. There can be no doubt that the jurors were fully aware of their responsibilities.

The jurors deliberated for 3½ weeks; their sequestration spanned three weekends. We see no error in the judge allowing jurors to visit with their families at the hotel on Sundays. In light of the precautions taken by the judge during the trial, and through the marshals during deliberations, we see no basis for the contention that the defendants were prejudiced by the judge's failure to reinstruct the jurors personally or to voir dire each one concerning possible exposure after the visitation periods. The allowance of family visits was a reasonable, humane and understanding act by the trial judge. No reversible error lurks within.

12. Miscellany

Finally, Russello urges three other assignments of error: a biased grand jury, exclusion of evidence about Noriega's character and an improper jury charge.

a. Grand Jury Bias

Russello contends he was deprived of his right to an unbiased grand jury because of two incidents. First, he complains that the prosecutor should not have called him to testify before the grand jury because after he received his subpoena, his attorney advised the prosecutor that Russello intended to exercise his Fifth Amendment privilege. Russello was nevertheless called as a witness, he exercised his Fifth Amendment privilege.

[53, 54] It has long been recognized that "[c]itizens generally are not constitutionally immune from grand jury subpoenas." *Branzburg v. Hayes*, 408 U.S. 665, 682, 92 S.Ct. 2646, 2657, 33 L.Ed.2d 626 (1972). Our courts have repeatedly reaffirmed "the historically grounded obligation of every person to appear and give his evidence before the Grand Jury." *United States v. Dionisio*, 410 U.S. 1, 9, 93 S.Ct. 764, 769, 35 L.Ed.2d 67 (1973). "The personal sacrifice involved is a part of the necessary contribution of the individual to the welfare of the public." *Blair v. United States*, 250 U.S. 273, 281, 39 S.Ct. 468, 471, 63 L.Ed. 979 (1919). Russello's claim that he should not have been called after revealing his intention to remain silent is without merit.

[55] Russello also alleges that after his appearance before the grand jury, he learned that the prosecutor, in the presence of the grand jury, told Farina that he, Farina, was a disgrace for exercising his right to remain silent. Russello argues that this was also a reflection on his right to remain silent. He points to no specifics to show that the jury imputed to him the prosecutor's comment and attitude toward Farina. We do not agree that the prosecutor's comment about Farina was an attack on Russello's character. Russello was not denied the right to an unbiased grand jury.

b. Exclusion of Evidence

The thrust of Russello's second contention is that he and his family were threatened by Noriega, that his building had been burned without his knowledge and that he had paid Noriega only because Noriega extorted the money. To support the argument that Noriega was a violent man, and to rebut inferences from government testimony to the contrary, Russello called a witness who was to testify about shooting Noriega after Noriega threatened the witness's employer. The trial judge ruled the evidence inadmissible under Fed.R.Evid. 608(b).

Russello relies on *United States v. Opager*, 589 F.2d 799 (5th Cir. 1979), where the trial judge excluded certain business records which would have shown that one of the government's key witnesses was lying about a fact material to Opager's defense. In response to Opager's defense of entrapment, the government witness testified, in an effort to show the defendant's predisposition to commit the crime, that he had worked with the defendant and had seen her engage in the same criminal conduct. The business records Opager sought to introduce would have established that she and the witness had not worked together at the pertinent time. In reversing the conviction, we emphasized that the evidence did not merely go to the witness's character for truthfulness, but rather was relevant specifically to contradict the witness's testimony as to a *material issue*. *Opager* is distinguishable from the situation in the case at bar.

[56] Although Russello relied on the defense that he acted in response to threats from Noriega, Noriega's threats against the employer of the witness called by Russello did not relate directly to Russello as the excluded testimony in *Opager* related directly to the defendant. The material issue here was not whether Noriega had threatened the witness's employer, but whether Noriega had threatened Russello. The evidence was not relevant to a "material issue" within the context of *Opager*. We find no error in the exclusion of this testimony.

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c. Jury Instruction

[57] Russello contends that the trial judge did not correctly charge the jury as to the evidence required for a mail fraud conviction. The challenged portion of the jury charge states: "A statement or representation may also be 'false' or 'fraudulent' when it constitutes a half-truth, or effectively conceals a material fact, with intent to defraud." Russello relies on *United States v. Meadows*, 598 F.2d 984 (5th Cir. 1979), in which we held that a similar instruction created reversible error. There is one dispositive difference between the charge in *Meadows* and the charge *sub judice*. The trial judge in *Meadows* stated that "under the law fraud may result from statements of half-truths or the concealment of material facts." *Id.* at 987. The statement that created reversible error resulted from the failure by the court to remind the jury of the intent required to convict. In the instant case the trial judge added four critical words to the instruction that had been found wanting in *Meadows*; the instruction complained of here concludes with the words "with intent to defraud." That phrase takes this instruction out of the *Meadows* category and compels our rejection of this claim.

G. *Sufficiency of the Evidence*

[58] Most of the appellants challenge the sufficiency of the evidence to support their convictions on both the RICO and the mail fraud charges. We recently reiterated the standard for review of such a challenge in *United States v. Marx*, 635 F.2d 436, 438 (5th Cir. 1981):

> In reviewing the sufficiency of the evidence, we must view all the evidence, direct and circumstantial, in the light most favorable to the government, and must accept all reasonable inferences and credibility choices that tend to support the jury's verdict. (Citations omitted.) The standard of review is whether a jury could reasonably find that the evidence was inconsistent with every reasonable hypothesis of innocence or, put another way, whether a reasonably minded jury must necessarily entertain a reasonable doubt of the defendant's guilt.

With respect to the conspiracy convictions, the test on appeal is whether there is substantial evidence to support the verdicts. *Id.; United States v. Malatesta*, 590 F.2d 1379 (5th Cir.) (en banc), *cert. denied*, 440 U.S. 962, 99 S.Ct. 1508, 59 L.Ed.2d 777 (1979). We shall review the RICO convictions separate from the mail fraud convictions because of the obvious difference in the evidence required to sustain convictions.

1. RICO Convictions

[59] Five necessary elements comprise a substantive RICO charge. The government must prove (1) the existence of the enterprise; (2) that the enterprise affected interstate commerce; (3) that the defendant was employed by or associated with the enterprise; (4) that he participated in the conduct of the affairs of the enterprise; and (5) that he participated through a pattern of racketeering activity.

In reviewing the RICO convictions we bear in mind the broad reach of the RICO statute, as articulated in *Elliott*, 571 F.2d at 903:

> The substantive proscriptions of the RICO statute apply to insiders *and outsiders*—those merely "associated with" an enterprise—who participate directly *and indirectly* in the enterprise's affairs through a pattern of racketeering activity. (Citations omitted.) Thus, the RICO net is woven tightly to trap even the smallest fish, those peripherally involved with the enterprise. (Emphasis in original.)

Even with a tightly woven net however, a fish, or whatever size, cannot be trapped unless he is "employed by or associated with" the enterprise. In other words, the fish must first be swimming in the stream where the net has been placed before we reach the question of size. The indications from *Elliott* that only minimal association is necessary have caused fire lines to be drawn in determining those who are guilty of violating RICO and those who are not. A defendant must know *something* about his co-defendants' related activities which make up the enterprise, but it is not necessary that he be aware of *all* racketeering activities of each of his partners in the enterprise. *Diecidue*.

[60, 61] To convict on a charge of conspiracy, the government must prove that the defendant had knowledge of the conspiracy and that he intended to join in the objectives of the conspiracy. The degree of criminal intent necessary for participation in a conspiracy must be *at least* equal to that required for the substantive offense itself. *Malatesta*. More specifically, to convict for conspiracy to violate RICO the government must prove that the person objectively manifested, through words or actions, an agreement to participate in the conduct of the affairs of the enterprise through the commission of two or more predicate crimes. *Bright* and *Elliott*.

2. Mail Fraud Convictions

[62, 63] The elements of the offense of mail fraud have been discussed in numerous decisions in this circuit, including the concise distillation in *United States v. Green*, 494 F.2d 820, 823–24 (5th Cir.), *cert. denied*, 419 U.S. 1004, 95 S.Ct. 325, 42 L.Ed.2d 280 (1974):

> The two basic elements of a mail fraud scheme are (1) the scheme to defraud, and (2) causing a mailing for the purpose of executing the scheme. While the mailing must, as the statute requires, be "for the purpose of executing the scheme . . . [i]t is not necessary that the scheme contemplate the use of the mails as an essential element. Indeed, it is sufficient if the mailing that is caused is "a part of the execution of the fraud," or is "incident to an essential part of the scheme." One "causes" the mails to be used when one "does an act with knowledge that the use of the mails will follow in the ordinary course of business, or where such use can reasonably be foreseen, even though not actually intended." (Citations omitted.)

Thus, it is clear that if there is sufficient evidence to connect a defendant to the fraudulent scheme involving use of the mails, it is not necessary that he do any of the mailing. Co-schemers are jointly responsible for each other's acts when the acts are within the general scope and in furtherance of the scheme. *United States v. Rodgers*, 624 F.2d 1303 (5th Cir. 1980).

With these elements and standards in mind, we examine the claims of the various defendants that the evidence was insufficient to justify their convictions.

THE ARSONISTS

Frank Scionti:

[64] Scionti was found guilty on both RICO counts (Counts 1 and 2) and on four counts of mail fraud (Counts 3, 4, 5 and 6). Counts 3 and 4 dealt with the

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fire at 1811 Taliaferro Street. Counts 5 and 6 pertained to the laundromat fire in Miami. Scionti does not specifically assert that the evidence was insufficient to support his convictions on the mail fraud counts. The jury's verdict is therefore not challenged on those four counts. Furthermore, he concedes that the evidence was sufficient to support his convictions if the testimony of Noriega is to be accepted. His argument that Noriega was incompetent as a witness and because of his mental condition could not be considered credible as a matter of law, has been discussed and decided adversely to him. *See United States v. Parker*, 586 F.2d 422 (5th Cir. 1978), *cert. denied*, 441 U.S. 962, 99 S.Ct. 2408, 60 L.Ed.2d 1067 (1979); *Jackson, supra*. We affirm Scionti's convictions.

Paul Guarino:

[65, 66] Guarino was convicted on both RICO counts and on fifteen counts of mail fraud. He does not specifically challenge the sufficiency of the evidence on any count. In his brief, he posits the "Statement of Issues," which does not question the sufficiency of the evidence, and then adopts the arguments advanced by the co-defendants in support of those issues and any other issues they raised that may apply to him. Although this is not an appropriate challenge to the adequacy of the evidence, we have made a general review of the evidence against Guarino and find it sufficient to convict him on the RICO counts and thirteen of the mail fraud counts. As to Counts 17 and 18, for the reasons discussed *infra*, with respect to defendant Lostracco, we reverse Guarino's convictions. The evidence does not establish that the charged mail frauds occurred.

THE FINANCIERS

Berton B. Chase:

Chase is the only defendant charged solely with conspiracy. He argues that the evidence was sufficient to support his conviction because it showed an agreement to commit only one predicate act rather than the requisite "pattern of racketeering activity." We agree.

Chase was indicted because of his involvement in the arson of a warehouse located on 12th Street in Tampa. Martino had a ninety day option on the building. Noriega and Guarino acquired the option from Martino and upon exercising it, put title in the name of Alex Fekete, an unindicted co-conspirator who testified as a government witness. As part of the purchase arrangements, Fekete gave the seller a first mortgage covering the credit portion. Insurance coverage was to be transferred to Fekete and additional coverage was obtained. When more money was needed for building repairs, Chase was approached. He arranged for a loan of $12,000 by a client, secured by a second mortgage on the property, and received $6,000 as a "kickback." The mortgage was to be paid with insurance proceeds expected from the planned arson.

Fekete was to maintain the insurance coverages, however, he became delinquent in paying the premiums. The seller paid the premiums on the original policy and threatened to foreclose on his mortgage unless he was reimbursed for the money advanced. In order to prevent the foreclosure, and to protect his client's interest as holder of the second mortgage, Chase reimbursed the seller.

An attempt was later made to transfer title from Fekete to the second mortgage holder. Before the transfer was completed, and pursuant to Chase's instructions, Noriega burned the warehouse. Because Fekete had failed to pay the premiums on the additional insurance he had secured, only the insurance the seller had purchased was collected.

The evidence appears sufficient to convict Chase of arson or of conspiring to commit that offense, but those are not the charges for which he stood trial. He was charged and convicted of conspiring to participate in the conduct of the affairs of an enterprise through a pattern of racketeering activity. As pointed out in *Elliott*, 571 F.2d at 902, "the object of a RICO conspiracy is to violate a substantive RICO provision . . . and not merely to commit each of the predicate crimes necessary to demonstrate a pattern of racketeering activity." One who does not agree to do that vital element—participate in the enterprise through the commission of at least two predicate acts—cannot be convicted on a RICO conspiracy charge. In effect there are two agreements contained in a RICO conspiracy charge: an agreement to participate and an agreement to commit at least two prescribed acts.

A review of the evidence reflects that Chase agreed to arrange a loan secured by mortgage on a building, with the knowledge the building would be burned and the mortgage would be paid with a portion of the insurance proceeds. He received a "kickback" for his efforts. According to Noriega, Chase set the time for the fire. Chase also acted to protect Fekete's ownership of the building by reimbursing the seller's insurance premiums in order to avoid foreclosure on the first mortgage.

[67] The only agreement which may be classified as an agreement to commit a predicate crime as defined in § 1961 is Chase's agreement to commit arson. Chase was not charged with mail fraud. There was no mail fraud committed in connection with that arson because the only insurance claim submitted was that of the former owner/mortgagee on a legitimate policy. The only predicate act enumerated in the indictment implicating Chase involves the arson of the warehouse.

Absent a charge and proof of an agreement to commit two of the specified predicate crimes, a defendant cannot be convicted of conspiring to participate in the affairs of an enterprise through a pattern of racketeering activity. Chase's conviction for conspiring to violate RICO is invalidly based and must be reversed.

Sam Martino:

Martino does not challenge the sufficiency of the evidence on his convictions of the mail fraud counts (Counts 14, 15 and 16). With respect to the RICO convictions, Martino argues that as a mere customer of the services offered by the enterprise, his conduct did not fall within the proscription of RICO. The evidence establishes that Martino was more than a customer of the enterprise, he was a recurring figure in the activities of the enterprise.[18] As a real estate agent and

15. Martino points to his acquittal on several counts as support for his argument that his limited contacts with the enterprise, evidenced by his conviction on charges relating to only one fire, did not amount to participating in the conduct of the affairs of the enterprise. While the jury may not have found that the government proved Martino's guilt in the mail fraud scheme, that does not necessarily mean that the jury did not believe that Martino was somehow involved. The evidence of his involvement, while not sufficient to convict for mail fraud, would support the conclusion that he

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mortgage broker, Martino played a multi-faceted role. The evidence shows that he assisted in the acquisition of three properties in Tampa that were considered suitable for burning.

The property located at 2020 E. Columbus was purchased by Noriega through the assistance of Martino. The prior owner had been making mortgage payments to Martino's Ybor Loan Company but sold the house because of tax problems and because it became apparent that costly repairs would have to be made to avoid condemnation by housing inspectors. The first mortgage on the house was assumed by Noriega and an existing $4,000 insurance policy was transferred to him. Noriega doubled the existing coverage before acquiring two additional policies, each affording $15,000 protection. Carter was instrumental in obtaining the additional insurance. Four months after the house was acquired, it was burned by Noriega and Guarino and insurance proceeds were collected on the policies.[16] Martino had ordered the cancellation of the $3,000 policy transferred from the prior owner although the order did not go into effect until after the fire. The mortgages held by Martino's loan company were paid with insurance proceeds.

With the help of Martino, Noriega was able to purchase additional substandard property located at 3906 N. Nebraska.[17] Martino initially arranged a loan to Noriega for $7,000, taking a "kickback" of $1,500. Later, when money was needed for repair work, Martino arranged a $1,500 loan secured by a second mortgage. Noriega then sold the property to Macaluso, paying the mortgage with the proceeds of the sale.

Martino also had a connection with the warehouse discussed earlier. He initially leased the property for one year and had a ninety day option. His original plans were to over-insure the building and then burn it. These plans changed and he sold his interest in the property to Noriega and Guarino and assigned the option.

[68] The evidence reflects more than Martino's mere association with the enterprise; it shows that he played an important role by assisting in the acquisition of properties suitable for burning. His participation in the conduct of the affairs of the enterprise is further evidenced by his conviction on the three counts of mail fraud. We affirm his conviction on Count 2. The evidence is sufficient to sustain the conviction on Count 1. The requisite element of agreement is apparent from his actions.

THE MISGUIDED ENTREPRENEURS

Amalia Morgado:

[69, 70] Morgado does more than claim that the evidence is insufficient to support her convictions on Counts 21 and 22; she argues that there is *no* evidence that she placed or caused to be placed, in the United States mail, the Proof of Loss which is the subject of those counts. After reviewing the record, we agree that there was no evidence offered showing that Mrs. Morgado personally mailed the Proof of Loss. Such evidence is not required, however, to support the convictions on the mail fraud counts. "It is well settled in this circuit that so long as one participant in a fraudulent scheme causes a use of the mails in execution of the fraud, all other knowing participants in the scheme are legally liable, for that use of the mails." *United States v. Toney*, 598 F.2d 1349, 1355 (5th Cir. 1979), *cert. denied*, 444 U.S. 1033, 100 S.Ct. 706, 62 L.Ed. 670 (1980). The evidence shows that Morgado was involved with several other defendants in the scheme to defraud the insurer through the arson of the Vasconia Street property. The mail fraud convictions are supported by the requisite evidence.

[71] The evidence, viewed through the mandated appellate prism, shows that Morgado served on the "marketing" staff of the enterprise as a connection between persons wanting to burn their property and the arsonists. She was instrumental in arranging for Noriega to burn the Vasconia Street property owned by co-defendant John Alan Holt. She made the initial contacts and paid Noriega for his services with checks written on her personal account. Her participation in at least the initial stages of the fraudulent scheme is apparent. Once she became involved in the scheme, she had to do some affirmative act of withdrawal before she may disclaim responsibility for the subsequent acts of her co-schemers. *United States v. Brooksby*, 628 F.2d 901 (5th Cir. 1980). There is no evidence of any affirmative action on the part of Morgado to withdraw from the scheme.

[72] Having concluded that the evidence was sufficient to convict Morgado on the two counts of mail fraud, we examine her convictions on the RICO substantive and conspiracy counts. Morgado was involved in arson and mail fraud, both of which are statutorily designated predicate crimes and base the charge that she engaged in a "pattern of racketeering activity." The final inquiry is whether Morgado's association with the enterprise has been established. The evidence implicated Morgado in another Tampa arson that was not included in the mail fraud counts. Again acting as the "marketing" person for the enterprise, Morgado arranged for her sister to buy substandard property which later was burned. Her sister recovered under a fire insurance policy after Morgado acted as notary on the Proof of Loss. Morgado was associated with the enterprise; she worked at furthering the business in which the enterprise was engaged. Convinced that the evidence sufficiently establishes all of the elements required for a RICO substantive offense, we affirm Morgado's conviction on Count 2. The evidence also establishes the required element of agreement, accordingly, Morgado's conviction on Count 1 is also affirmed.

Joseph Macaluso:

Macaluso was convicted on both RICO counts and on five counts of mail fraud. His challenges to the mail fraud convictions stem from a variance between the indictment and the proof adduced at trial and point to an alleged inconsistency in the verdicts with respect to other defendants also charged in the counts.

[73, 74] Counts 11, 12 and 13 arose out of the arson and subsequent collection of insurance proceeds for property located on N. Nebraska. The indictment charged Macaluso, Morgado, Martino, Carter, Guarino and Noriega. The jury acquitted Martino, Morgado and Guarino on these counts. Noriega and Carter pled guilty. Macaluso argues that the verdicts necessarily indicate that the jury rejected Noriega and Carter as credible

was associated with the enterprise and a participant in the conduct of its affairs.

16. Martino was convicted on three mail fraud counts relating to the fire at this location.

17. Martino was acquitted on the mail fraud counts relating to this property.

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witnesses and, therefore, his conviction must be reversed because it is inconsistent with the verdicts on the others. We do not agree. A similar argument was rejected in *United States v. Dubca*, 512 F.2d 950 (5th Cir. 1980), and in *United States v. Michel*, 502 F.2d 986 (5th Cir.) *cert. denied*, 444 U.S. 825, 100 S.Ct. 47, 62 L.Ed.2d 32 (1979). Our inquiry on appeal is limited to determining whether the evidence in sufficient to support the counts on which the appellant was convicted; we do not look at what the jury did with other counts or other defendants. Because the jury may have chosen not to believe Carter and Noriega with respect to the other defendants does not mean that they had to find those witnesses not credible as to their testimony concerning Macaluso. Reviewing the evidence against Macaluso, we find that there was sufficient evidence to support his convictions on Counts 11, 12 and 13. Those convictions are affirmed.

Counts 7 and 8 charge mail fraud with respect to the arson and subsequent collection of insurance proceeds for property located at the corner of 10th Street and 12th Avenue. Macaluso challenges his conviction specifically on Count 8 because, while the indictment charged that the object of the Count 8 mail fraud was mailed from New York to Jacksonville, the evidence showed that the mailing occurred between Jacksonville and Tampa. This inconsistency, it is argued, prejudiced Macaluso's substantial rights to the extent that a reversal is warranted.

[75, 76] We find a variance between the indictment and the evidence as to the specific mailing locations involved in Count 8. We do not agree, however, that the variance affected Macaluso's substantial rights. The addresses of the sender and addressee were not the only information set forth in Count 8. The indictment also set out the numbers of the drafts that were sent through the mail, the names of the payees, and the amounts involved. All of this information was correct. The variance in *United States v. Cook*, 586 F.2d 572 (5th Cir. 1978), *cert. denied*, 442 U.S. 909, 99 S.Ct. 2821, 61 L.Ed.2d 274 (1979), where the indictment charged a mailing to the United States Air Force and the evidence showed the mailing went to the General Services Administration, was considered a "technical variance . . . best relegated to the 'immaterial' category." *Id.* at 575. Considering the totality of the circumstances at bar, this expression from *Cook* applies. The variance Macaluso notes is not reversible error. Macaluso does not point to any specifics with regard to the claim of insufficient evidence as to Count 7. Our general review discloses the evidence is sufficient. The convictions on Counts 7 and 8 are affirmed.

[77] With regard to his RICO convictions, Macaluso argues that if he was involved in a conspiracy, it was for the limited purpose of aiding in the arson. Our review of the evidence results in a contrary conclusion. The arsons in which Macaluso was involved were part of the main business of the enterprise. He acted as the go-between or contact person for the arson of the 10th Street and 12th Avenue property, and he participated in its burning. He was also the owner of the N. Nebraska property that was burned. Several members of the enterprise were involved in those incidents. We are persuaded that the evidence establishes Macaluso's active involvement in the affairs of the enterprise.

Macaluso's final contention is that the evidence did not show he intended to further the affairs of the enterprise.

This argument is without merit. By his active involvement Macaluso did further the enterprise's affairs. We affirm Macaluso's convictions on Counts 1 and 2.

John Lostracco:

Lostracco was convicted on RICO Counts 1 and 2 and mail fraud Counts 17 and 18. He challenges the sufficiency of the evidence. We agree.

[78] An arson committed at a 27th Street address provides the basis for the mail fraud charges. The property was owned by Lostracco's brother-in-law and sister-in-law, Mr. and Mrs. Joseph Bartolotti. Lostracco acted as the real estate agent for the proposed sale from the Bartolottis to Noriega and Guarino. Title to the property was to be put in the name of Jimmy Traina, who was to share the fire insurance proceeds with Noriega and Guarino. The Bartolottis were aware only of Traina's interest. Although a contract to sell was executed, the plans went awry when Noriega burned the house before title actually passed to Traina. At the time of the arson the Bartolottis still owned the property and were the insureds under an insurance policy. There is no evidence that the Bartolottis were involved in the arson or had any knowledge of the plan to burn the building for the insurance.

After learning that the property had been burned and that they were still the owners, the Bartolottis submitted their insurance claim. This claim was not fraudulent; their policy was valid and they were not aware of the arson. Counts 17 and 18 charge Lostracco with mail fraud in connection with the sworn statement in the Bartolotti Proof of Loss and the insurer's draft issued to the Bartolottis. There is no evidence that the Bartolottis submitted a claim under their policy intending to deliver over or share the insurance payment with any member of the enterprise. To the contrary, the evidence reflects that Noriega, Guarino and Traina received the insurance proceeds only after threatening and pressuring the Bartolottis.

[79] There is no evidence of Lostracco's involvement in a mail fraud scheme centered on the Bartolottis' 27th Street property because no mail fraud occurred. If the sale had been consummated as planned, and if Traina had collected on the fire policy, a mail fraud would have been perpetrated. Under those circumstances, if Traina had not been able to collect for some reason, the government still could have proven mail fraud because success of the scheme is not required for a conviction. The government takes the position that the facts present an unsuccessful mail fraud scheme and, therefore, Lostracco's convictions must stand. The evidence does not support that conclusion. The Bartolotti claim and the payment to them cannot be transformed into mail fraud and imputed to the enterprise. The previously discussed rule that co-schemers are jointly responsible does not apply because there is no evidence that the Bartolottis were co-schemers. Lostracco's convictions on Counts 17 and 18 must be reversed.

[80] In order to be convicted on a RICO substantive charge under § 1962(c), there must be evidence that the defendant participated in the conduct of the enterprise's affairs through a pattern of racketeering activity which requires the commission of two predicate crimes. The evidence supports findings that Lostracco participated in the arson and in discussions which could lead to mail fraud. Section 1961, however, specifies only completed offenses as predicate acts; neither

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attempts nor conspiracies (perhaps other than conspiracies involving drugs) are included. The evidence establishes that Lostracco committed only one predicate act. Accordingly, his conviction on Count 2 must be reversed.

Having found that Lostracco is not guilty of the RICO substantive offense because he did not commit two predicate acts, we must now inquire whether the indictment charged and the evidence proved that he agreed to commit two recognized predicate acts. The two acts of racketeering charged are the arson at the 27th Street address and the alleged mail fraud resulting from the insurance claim by the Bartolottis.

[81] There was no mail fraud committed when the Bartolottis made their fire loss claim. Consequently, Lostracco's involvement in that claim could not constitute an agreement to commit a criminal act. We are cognizant that the evidence reflects a plan by Lostracco and others to commit arson and mail fraud. The mail fraud which was a part of that plan, however, is not the mail fraud charged in the indictment.

A RICO conspiracy conviction requires that the indictment charge and the proof establish the two predicate crimes agreed to. The evidence does not support the charged mail fraud and Lostracco's conviction on Count 1 must be reversed.

THE DISSATISFIED OWNERS

John Alan Holt:

Holt's challenge to the sufficiency of the evidence supporting his mail fraud convictions is based on the government's alleged failure to prove that venue was proper as to Count 21 and the asserted lack of evidence that Holt mailed or caused to be mailed the items named in Counts 21 and 22.

[82, 83] Venue for a mail fraud conviction is proper in any of the districts from, through, or into which the item of mail moved. 18 U.S.C. § 3237(a). The government had to show that the Proof of Loss for Holt's insurance claim was either mailed from the Middle District of Florida, mailed to the Middle District of Florida, or that it passed through the Middle District of Florida as it traveled to its destination. The burden of proof to establish venue is not as onerous as the burden required for proof of an element of a crime. Venue need only be proven by a preponderance of the evidence. As long as there is circumstantial evidence in the record supporting the inference that the crime was committed in the district where the trial is held, direct evidence is not required. *United States v. White*, 611 F.2d 531 (5th Cir. 1980); *United States v. Turner*, 586 F.2d 395 (5th Cir. 1978), *cert. denied*, 440 U.S. 926, 99 S.Ct. 1258, 59 L.Ed.2d 480 (1979).

[84] The subject of the mail fraud charged in Count 21 is a sworn Proof of Loss signed by Holt which was mailed by the office of the Safeco Insurance Company in Tampa to the Safeco Insurance Company in Atlanta. Holt argues that there is no evidence showing where Safeco in Tampa had mailed the item or where Safeco in Atlanta had received it. This argument is not supported by the record. Dale Jermyn, the former claims manager for the Tampa Safeco office, testified that after the original Proof of Loss was received in his office, it was customary to send it by mail to the Atlanta division office. He further testified that, with respect to the specific Proof of Loss at issue here, the original had been

mailed to the Atlanta office by Mr. Parker, the Tampa office adjuster. Holt underscores that Jermyn did not specifically testify that the item was mailed from the Tampa post office. We cannot accept Holt's argument that the jury could just as easily have inferred that Mr. Parker chose to go outside of Tampa and the judicial district, to mail the document. Nor can we accept the suggestion that the document mailed to the Atlanta office was received somewhere other than Atlanta. Under the facts reflected in this record, the most obvious and compelling inference is that the item was mailed in Tampa and received in Atlanta. Venue properly lies in the Middle District of Florida.

[85, 86] Holt's second argument is based on the absence of testimony pointing to his mailing or causing to be mailed the Proofs of Loss. This argument founders on the rubrics expressed in our prior decisions which speak to the evidence required to sustain mail fraud convictions. It was not necessary to prove that Holt actually did the mailing, "he need only have had a reasonable basis to foresee that his actions would result in the use of the mails." *United States v. Georgalis*, 631 F.2d 1199, 1206 (5th Cir. 1980); *Toney, supra; Banister v. United States*, 379 F.2d 750 (5th Cir. 1967). Though one lacks the actual intent to use the mails, one "causes" the mails to be used when he acts with the knowledge that the mails will be used in the ordinary course of business. *Pereira v. United States*, 347 U.S. 1, 74 S.Ct. 358, 98 L.Ed. 435 (1954).

[87] The facts surrounding the mail fraud counts against Holt are very similar to those which were before the court in *Banister, supra*. Holt argues that Count 21 charges the sending by one insurance agent of a Proof of Loss to another insurance agent, a mailing with which he had absolutely nothing to do. As to Count 22, he argues that there is no evidence that the attorney who claimed to be representing Holt in sending the Proof of Loss to the insurance agent was acting at Holt's direction. This argument was unsuccessfully urged in *Banister*, where we found that the jury could have reasonably inferred that when the defendants dealt with a local agent of an insurance company, they reasonably should have contemplated that the mails would be used when the local agent dealt with the home company. Likewise, the jury in this case reasonably could have inferred that in filing a claim with his local insurer, Holt should have known that the mails would be used in the processing of his claim. We find sufficient evidence to support Holt's convictions on the mail fraud counts.

[88] Holt's objections to his RICO convictions focus on his level of involvement and the number of people with whom he was involved. He does not deny that an enterprise engaged in the business of burning property with the intent to defraud insurance companies existed; he argues, rather, that the evidence showed his involvement was limited to an association with Noriega, not an association with the overall enterprise. The evidence does not support this argument. Holt's involvement extended beyond an association with Noriega and included contacts with at least Morgado. There was sufficient evidence for the jury to infer that Holt was associated with the enterprise. Once established that he was connected with the enterprise, his participation in the conduct of its affairs was proved by evidence of the arson and the mail frauds. Holt's conviction on Count

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therefore, is affirmed. Affirmance of the Count 1 conviction for agreeing to participate necessarily follows for the reasons and on the authorities previously discussed.

Rolando Gonzales Rodriguez:

Rodriguez stands convicted on four counts: the two RICO counts and Counts 7 and 8 of the mail fraud charges. He adopts by reference the arguments made by his co-defendants with respect to Counts 1, 2 and 7; with respect to Count 8, he relies on the variance argument presented by Macaluso. We have rejected the variance argument and Rodriguez's conviction on Count 8 is affirmed.

[89] Rodriguez's convictions arose out of the arson of property he owned on the corner of 10th Street and 12th Avenue. Macaluso put Rodriguez in touch with Noriega. After agreeing to undertake the "torching," Noriega enlisted the help of Guarino and Macaluso. The fire was only partially successful, but with Carter's help in adjusting the claim, $500 was received from the insurer. Rodriguez does not point to any specifics with respect to his claim of insufficient evidence to support his convictions on Counts 1, 2 and 7. After making a general review of the evidence, we are persuaded that there is sufficient evidence to support the jury's conclusion that Rodriguez was guilty of the mail fraud charged in Count 7, as well as his guilt of the RICO charges in Counts 1 and 2.[1] His convictions are affirmed.

Joseph Lazzara

Lazzara was convicted on Counts 1, 2, 5 and 6. The charges arose out of the burning of a Miami laundromat owned by Lazzara. We find the evidence sufficient to support the four convictions and affirm.

[90] With respect to the mail fraud convictions, Lazzara argues that because no one in the enterprise did the mailing or assisted him in processing his claim, the mailings were not affairs of the enterprise and therefore he should not have been convicted. The acts of mail fraud for which he was convicted directly followed the arson that was committed by the enterprise; the fraudulent collection on the insurance policy was part of the scheme. It was not necessary that members of the enterprise be involved in the actual filing of the claim. Mail fraud is listed as one of the designated predicate crimes; the mail frauds charged herein were clearly related to the affairs of the enterprise. *See Bright, supra.* Lazzara's argument to the contrary is infirm.

[91] Lazzara's challenge to the sufficiency of the evidence to support his convictions for RICO violations is based on an erroneous interpretation of what is required for a RICO conviction. He argues that the phrase "to conduct or participate in the conduct" of the affairs of an enterprise means that the person must be involved in the control or management of the enterprise. This contention has been proffered and rejected. *See Tucker, supra.* Section 1962(c) reaches persons employed by or associated with the enterprise who are not involved in management. It was not necessary to show that Lazzara was in a management position for a conviction under RICO. The evidence was sufficient to show his association with the enterprise and participation in its affairs through the arson and mail fraud activities. We affirm Lazzara's conviction on Count 2.

Our affirmance of Lazzara's conviction on Count 2 leads inexorably to affirmance of his conviction on Count 1 for the reason previously articulated.

Rosario Palermo:

[92] The jury convicted Palermo on Counts 1, 2, 3 and 4. His appeal on the claim of insufficient evidence, aimed only at the RICO convictions, is multi-faceted. He claims: (1) that the single act of arson in which he was involved did not constitute a pattern of racketeering activity; (2) that a customer of the arson services offered by the enterprise does not fall within the category of associates of the enterprise participating in the conduct of its affairs; and (3) that if his conduct amounted to conspiratorial behavior, it was a limited conspiracy separate and apart from the one alleged in the indictment. Palermo does not specifically challenge the mail fraud convictions. Having examined the evidence generally, we affirm his convictions on Counts 3 and 4.

Property located on Taliaferro Street grounded Palermo's involvement and convictions. Although Guarino was part owner of the property, it was recorded only in Palermo's name. They purchased the building in March 1973 and the existing insurance coverage was transferred to Palermo. The property was partially burned shortly thereafter and insurance was recovered for the damage. In August 1973 Palermo obtained additional insurance on the house after making certain repairs necessitated by the previous fire. In late September Noriega, assisted by Guarino and Scionti, burned the house. The insurance company paid the full face value of the policy.

[93] Palermo's first argument is without merit. The alleged "single act of arson committed to defraud an insurance company" actually consisted of the arson and two acts of mail fraud in the collection on the insurance policy. Contrary to Palermo's suggestion, the two acts of mail fraud were more than "intertwined events" or "incidental statutory violations" arising out of the arson. The arson and mail frauds were evidence of the predicate crimes related to the affairs of the enterprise, thus meeting the requirements for proving a pattern of racketeering activity. *See Bright, supra; United States v. Morris*, 532 F.2d 436 (5th Cir. 1976).

[94] Palermo's second argument is likewise rejected. Palermo was not a mere "customer" of an enterprise offering arson services; he was a part of the enterprise itself, as charged in the indictment. The "enterprise" of which Palermo claims to have been only a customer was not a duly formed corporation with elected officers and annual meetings. It was "an amoeba-like infra-structure," *Elliott*, 571 F.2d at 898, involved in a network of secret criminal activity. Congress decreed that by committing two of the designated predicate crimes related to the affairs of the "enterprise," a person participates in the enterprise and thus violates RICO. As distinguished from the Travel Act, 18 U.S.C. § 1952, and the provision relative to illegal gambling businesses, 18 U.S.C. § 1955, both of which do not reach customers, 18 U.S.C. § 1962 does contemplate the prosecution of those "customers" who engage in a pattern of racketeering activity in furtherance of the affairs of the enterprise. By definition such a person becomes more than a customer of the enterprise.

[95] We also reject Palermo's third argument that his was a limited conspiracy

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and not the one charged in the indictment. Each arson and subsequent mail fraud committed by the various defendants was a piece of the overall scheme. Palermo's alleged separate conspiracy was not a separate conspiracy at all; it was an integral part of the arson enterprise at work in Tampa. *See Diecidue, supra.* We affirm Palermo's convictions.

John Fisher:

Fisher stands convicted on Counts 1, 2, 32 and 33, based on his involvement in the N. Armenia Street fire. His challenge to the sufficiency of the evidence is based solely on Noriega's alleged incompetence and lack of credibility as a matter of law. That issue has been discussed and resolved adversely to Fisher. His convictions are affirmed.

Jimmy Farina:

Farina, a former Captain with the Tampa Fire Department, stands convicted of the two RICO counts and of mail fraud Counts 9 and 10. The convictions are based on the arson involving Farina's property on 20th Avenue in Tampa.

The evidence reflects that Farina met with Noriega and Martino to discuss the acquisition of certain property located off Bayshore Boulevard in Tampa. Their plans were to insure and then burn the property to collect the insurance. The property was to be put in Noriega's name because no property titled in his name had been burned as of that time. These plans were aborted.[8] During discussions concerning other property, Farina made known that he wanted his 20th Avenue building burned. The building was insured for $1,000 and Farina agreed to pay Noriega 10% to burn it. Noriega and Guarino subsequently set fire to the premises. Farina submitted a claim on his policy and recovered the full $4,000. Noriega was paid $400.

[96-98] Farina contends that the evidence offered was insufficient to prove that he was associated with the enterprise, participated in the conduct of its affairs or conspired with its members. He argues that albeit he purchased Noriega's services, he could not have joined the enterprise because the evidence does not show he had knowledge that Noriega acted in concert with others. The jury may draw the natural inferences arising from evidence, including an inference of association, and was entitled to infer that Farina, while dealing directly only with Noriega and possibly Martino, was aware of the existence of the ongoing arson operation. Farina approached Noriega with the suggestion that they acquire, insure and burn property, as well as the suggestion that his property on 20th Avenue be torched. It is reasonable to infer from that evidence that Farina indeed knew about the person with *whom* he was dealing. "A party to a conspiracy need not know the identity, or even the number, of his confederates." *Elliott*, 571 F.2d at 903, *quoting United States v. Andolschek*, 142 F.2d 503, 507 (2d Cir. 1944). The government did not have to prove that Farina knew all of the details or the full extent of the enterprise; proving knowledge of the essential nature was sufficient. Furthermore, "[w]hen a person 'embarks upon a criminal venture of indefinite outline, he takes his chances as to its content and membership, so be it that they fall within the common purposes as he understands them.'" 571 F.2d at 904. The jury could reasonably infer that by his dealings with Noriega, Farina joined in the activities of the enterprise. That conclusion leads to the inquiry whether Farina can be convicted of a RICO violation when the evidence reflects participation in only one arson. We have answered this inquiry in the affirmative. Once Farina joined the conspiracy, he could "withdraw," but only by taking some affirmative action to defeat or disavow the purpose of the conspiracy. *United States v. Killian*, 639 F.2d 206 (5th Cir. 1981); *Bradsby, supra.* The one claiming withdrawal has the burden of proof. The evidence does not establish withdrawal by Farina. Farina also argues that his participation in the arson and mail frauds constituted a singular criminal episode which does not constitute a "pattern of racketeering activity." This argument has also previously been discussed and rejected.

We find the evidence sufficient to support Farina's convictions on Counts 1, 2, 9 and 10.

William H. Brown:

The jury found Brown guilty of Counts 1, 2, 30 and 31. His challenge on appeal targets the convictions on Counts 1 and 2. He argues that the government did not prove the required two predicate acts and, therefore, he could not be found guilty of violating RICO. We disagree.

[99] Brown bifurcates his argument. First, he contends that his alleged involvement in the fire on Lopez Drive did not amount to a predicate act. The evidence shows that Brown provided Noriega with transportation to and from the site of that arson, waiting nearby while Noriega did his work. Brown denies any knowledge of Noriega's purpose in visiting that address that day. We need not decide whether Brown was guilty of aiding and abetting in that arson because the evidence of his involvement in the burning of his hardware store is sufficient to establish that he engaged in a pattern of racketeering activity.

Brown's convictions are based on the arson of his hardware store located on S. Westshore Boulevard in Tampa. He does not deny that he had the store burned. Instead, he takes the position that the hardware store arson is a single predicate act which is insufficient to support a RICO conviction. This argument has been previously advanced and rejected. Brown's convictions on Counts 1, 2, 30 and 31 are affirmed.

Robert Young:

Young's involvement in the arson on N. Armenia Street served as the basis for his convictions on Counts 1, 2, 32 and 33. Young takes the position that the only evidence having any tendency sufficiently to establish his guilt is the testimony of Noriega. He then argues that Noriega was incompetent as a witness for two reasons: (1) based on the psychiatric testimony produced at trial, Noriega was not credible as a matter of law, and (2) because Noriega had already become a government informant by the time the arson occurred on N. Armenia Street, he was incapable of providing the other part of a conspiracy.

[100] Young's first argument has already been discussed and rejected. We likewise reject Young's second argument. From the record it is unclear exactly when Noriega began to talk to state and federal authorities. Tampa Fire Marshal Bertrand O. Fox testified that Noriega first began to cooperate with the FBI in 1975. Noriega testified that his first meeting with government authorities oc-

8. Martino was charged in Counts 9 and 10 with Lopez but was acquitted on those mail fraud charges.

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curred in early 1976, but that the parties involved were not able to reach an agreement at that time and that he did not begin cooperating with them until several months later. While there obviously is a conflict in the evidence as to exactly when Noriega became a government informant, the answer to that question is not as significant as Young suggests. His reliance on *United States v. Chase*, 372 F.2d 453 (4th Cir.), *cert. denied*, 387 U.S. 907, 87 S.Ct. 1688, 18 L.Ed.2d 626; 387 U.S. 913, 87 S.Ct. 1701, 18 L.Ed.2d 635 (1967), is misplaced. That case stands for the proposition that "one who acts as a government agent and enters into a purported conspiracy in the secret role of an informer cannot be a co-conspirator." *Id.* at 459, *citing Sears v. United States*, 343 F.2d 139 (5th Cir. 1965). The rule applies in situations where the conspiracy involves only a defendant and a government informer. In that situation there can be no conspiracy because it takes two to conspire and the government informer is not a true conspirator. *Sears, supra.*

[101] The conspiracy involving Young included others besides Noriega. For example, Young conspired with John Fisher. His position is not governed by the rule of *Sears*; rather, it comes within the ambit of the rule stated in *Sigers v. United States*, 321 F.2d 843, 848 (5th Cir. 1963), that "a conspiracy may be proved even though the link connecting many of the activities of the conspirators is a Government informer." *See also United States v. Klein*, 560 F.2d 1236 (5th Cir. 1977), *cert. denied*, 434 U.S. 1073, 98 S.Ct. 1259, 55 L.Ed.2d 777 (1978).

Young argues that justice demands that his convictions on the mail fraud counts, Counts 34 and 35, be reversed because there was no evidence to show that he asked, requested or insisted that the insurance agent use the mails in processing the claim. Further, since John Fisher filed the claim, Young denies any responsibility for the fraud.

[102] This argument is not persuasive. As noted earlier, it was not necessary that Young actually do the mailing or instruct another to use the mails in order to be guilty of mail fraud. An individual participant in a scheme encompassing mail fraud will be liable for the acts of his co-schemers when such acts are within the general scope of the scheme. He can disclaim responsibility only if he undertakes some affirmative act of withdrawal. *Rodgers, supra.*

[103, 104] Furthermore, it is well settled that one "causes" the use of the mails when he does some act in which it is reasonably foreseeable that the mails will be used. *United States v. Crockett*, 534 F.2d 589 (1976). Because Young was in the insurance business, it cannot seriously be contended that he was unaware that the mail would probably be used in processing a claim. The evidence showed that Young was part of the scheme to burn the N. Armenia Street property and recover the insurance proceeds. The convictions of Young are affirmed.

Joseph C. Russello:

Russello stands convicted on Counts 1, 2, 28 and 29 as a result of the burning of an office building owned by him on W. Kennedy Boulevard in Tampa. He argues that his convictions must be reversed because the evidence did not show that he was associated with an enterprise through a pattern of racketeering activity. He contends that at most the evidence showed that in connection with the

fire, Noriega and Carter were acting independently of each other and independently of the "enterprise." Russello denies any knowledge of the existence of an enterprise as charged in this case. Furthermore, he argues that his two mail fraud convictions do not qualify as a pattern of racketeering activity because they arose out of a single mail fraud scheme and resulted in two separate convictions only because two mailings happened to occur.

[105, 106] We find the evidence sufficient to support the jury's verdicts. Russello's association with Noriega, initially, and then with Carter, supports the inference that he was associated with the enterprise. The enterprise was a group of people who shared the common goal of burning buildings and collecting fire insurance proceeds, and who worked together to achieve that goal. Certainly every member of the group was not involved in every transaction, but every transaction was part of the overall workings of the enterprise to which every member belonged. That Carter and Noriega acted independently in dealing with Russello does not mean that they were not working on behalf of the enterprise. The record reveals sufficient evidence from which the jury could infer that Russello's actions with members of the enterprise qualified as participating in the conduct of the affairs of the enterprise. As we stated in *Elliott*: "Under the statute, it is irrelevant that each defendant participated in the enterprise's affairs through different, even unrelated crimes, so long as we may reasonably infer that each crime was intended to further the enterprise's affairs." 571 F.2d at 902 03.

Russello proposes several other issues which have been raised unsuccessfully by his co-defendants. Russello's challenges of his RICO convictions are without merit. We affirm Russello's convictions on Counts 1 and 2.

[107] With respect to the mail fraud convictions, Russello insists that there is a fatal variance between the charge in the indictment and the evidence. Arguably there is some merit to this contention, but we do not find the variance of such substance as to warrant reversal. The indictment charges that Russello, Lazzara, Carter and Noriega devised a scheme to defraud the insurance company by filing a Proof of Loss stating they did not know who set the fire. The government offered evidence that the parties involved knew Noriega had set fire to the building. Testimony also indicated that the building's value listed on the claim was inflated. Russello argues that he was convicted of mail fraud on the latter basis, one not specifically charged in the indictment, and his conviction should be reversed. We disagree. We are not persuaded that the convictions were based on misrepresentation as to value. The reference to value in the testimony of a government witness was almost an aside. Russello offered experts who contradicted the government's suggestion of value. On the other hand the evidence abounds that Carter and Russello falsely denied knowing who set the fire. Russello's convictions on Counts 28 and 29 are affirmed.

Conclusion

The convictions of SCIONTI, MARTINO, MORGADO, MACALUSO, HOLT, LAZZARA, RODRIGUEZ, RUSSELLO, FARINA, BROWN, YOUNG, PALERMO, and FISHER, as per the verdicts of the jury, are AFFIRMED.

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The convictions of GUARINO on Counts 17 and 18 are REVERSED; his convictions on all other counts are AFFIRMED.

The conviction of CHASE is REVERSED.

The convictions of LOSTRACCO on Counts 1, 2, 17 and 18 are REVERSED.

MOTION FOR NEW TRIAL

Docket Number 79-2606

Martino appeals from the denial of his post-conviction motion for a new trial based on newly discovered evidence. This evidence consisted of proffered testimony by co-defendant Guarino, who stated that he would have testified for Martino in a separate trial but that he did not want to testify in his own defense at the joint trial.

[108] The criteria for obtaining a new trial on the basis of newly discovered evidence are:

1. the evidence must be discovered following the trial;
2. facts must be alleged from which the court may infer diligence on the part of the movant to discover the new evidence;
3. the evidence must not be merely cumulative or impeaching;
4. the evidence must be material; and
5. the evidence must be such that a new trial would probably produce a new result.

United States v. Rodriguez, 437 F.2d 940 (5th Cir. 1971).

Guarino's proffered statements related to the burning of four buildings. Guarino stated he never discussed burning any of these buildings with Martino and that Martino was unaware of Guarino's interests in the N. Nebraska Avenue and Columbus Drive properties. He also stated that while Martino was aware of Guarino's interest in the warehouse transaction, Noriega's interest was not disclosed to Martino. Guarino denied having ever paid a kickback to Martino, specifically with respect to the Columbus Drive transaction. During his sentencing hearing, Guarino stated to the court that he made a mistake in not testifying during the trial because Martino, contrary to some of the evidence, "didn't have nothing to do with Nebraska or 12th Street."

[109] Guarino's statements do not satisfy the criteria for the granting of a new trial. We need not decide whether newly available evidence is the same as newly discovered evidence because we find that the "new" evidence is not such that a second trial would probably produce a different result. Guarino's statements concerning Martino's lack of knowledge and involvement with respect to the N. Nebraska fire would not produce a new result because Martino was acquitted on charges relating to that fire. The 12th Street warehouse fire was not the subject of a substantive charge; testimony concerning that incident related only to Martino's association with the enterprise. Guarino's statement that Martino knew that he, Guarino, and not Noriega was involved would not be contrary to a jury finding that Martino was associated with the enterprise. It would suffice that Martino and Guarino worked together on the warehouse fire. With respect to the Columbus Drive arson, we find that testimony concerning nondisclosure of Guarino's interest in that property would not likely have changed the jury's verdict. Every member of the enterprise does not have to participate in every transaction engaged in by the enterprise. Furthermore, Guarino's denial of having paid a kickback to Martino for that property is not in direct contradiction to the testimony at trial; Noriega did not testify about a kickback, but rather that they bought out Martino's interest.

[110, 111] The decision to grant or deny a motion for new trial on the basis of newly discovered evidence rests in the sound discretion of the trial judge. We will reverse the denial of such a motion only where "it is shown that the ruling was so clearly erroneous as to constitute an abuse of discretion." *United States v. Antone*, 603 F.2d 566, 568 (5th Cir. 1979). That showing has not been made in this case.

The district court's denial of Martino's Motion for New Trial is AFFIRMED.

FORFEITURE

Docket Number 78-3611

[112] The jury returned verdicts ordering the forfeiture of insurance proceeds collected by defendants Russello, Rodriguez, Martino and Guarino. Martino, Russello and Rodriguez appealed the forfeiture orders; Guarino did not.[19] The issue, one of first impression in this court, is whether the term "interest" in 18 U.S.C. § 1963(a) includes income or receipts from racketeering activity.

Under 18 U.S.C. § 1963(a), a defendant convicted of violating RICO must:

> forfeit to the United States (1) any interest he has acquired or maintained in violation of Section 1962, and (2) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of Section 1962.

Rodriguez was ordered to forfeit $4,226.83, Russello's forfeiture was for $340,043.09, and Martino was ordered to forfeit $2,500 together with his ownership, interest and property rights in two companies, Ybor Loan Company and M & S Investment Corporation. The appellants' challenges to the forfeiture orders center on the definition of "interest" as used, but not defined, in the statute. The government takes the position that income or profits from an illegal enterprise are forfeitable under § 1963; appellants contend that § 1963 applies only to an interest in an enterprise. Appellants' position is supported by decisions of other courts.

In *United States v. Meyers*, 432 F.Supp. 456, 461 (W.D.Pa.1977), the court indicated that it would be a "strained construction of Section 1963" to classify profits or fruits received from the enterprise as "interest" in the enterprise or as a claim or right that could afford a source of influence over the enterprise. The court went on to note that "the more natural interpretation is that an 'interest' is akin to a continuing proprietary right in the nature of partnership or stock ownership (or holding a debt or claim, as distinguished from 'equity' investment) rather than mere dividends or distributed profits." *Id.* This interpretation was approved by the court in *United States v. Thevis*, 474 F.Supp. 134, 142 (N.D.Ga. 1979), which held that "the limits of forfeiture authorized by 18 U.S.C. § 1963 do

19. Guarino belatedly raises the issue in his brief on appeal of his conviction. This is not sufficient to vest appellate jurisdiction. The order of forfeiture is a different judgment from the sentence and commitment order. A separate notice of appeal was required.

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not embrace fruits or profits derived from the operation of a § 1962 enterprise." Several factors were considered by the court in reaching that conclusion. The different treatment Congress accorded income and interest was noted—§ 1962(a) makes it illegal to invest income derived from racketeering activity in the acquisition of an interest in an enterprise. Congress recognized that income and profits could be generated by racketeering activity but it chose to include in the forfeiture provision only the interest acquired or held and not the income of an enterprise. The *Thevis* opinion also recognized that the "enterprise" concept is the basis of § 1962 and that the forfeiture provision is directed toward an interest acquired or maintained "in violation of Section 1962." Thus the existence of the enterprise is also a cornerstone of § 1963. The court was convinced that the use of the word "interest" was limited to interest in the enterprise. Our colleagues of the Ninth Circuit, in a well-reasoned opinion, recently held that § 1963 applies to interest "in an enterprise" and not to any form of income or proceeds derived from a pattern of racketeering activity. *United States v. Marubeni America Corp.*, 611 F.2d 763 (9th Cir. 1980).

In reaching our conclusion we are impressed by several considerations. In enacting 18 U.S.C. § 1963, Congress permitted *in personam* forfeitures that had previously been prohibited by 18 U.S.C. § 3563. Viewed in that perspective one would expect that Congress would strictly limit forfeitures. In this instance the limitation would be to the defendant's interest in the enterprise he had corrupted. Such an intent was indicated by the comments of Deputy Attorney General Richard P. Kleindienst before the Senate Subcommittee on Criminal Laws and Procedures when he said:

> It is felt that this revival of the concept of forfeiture as a criminal penalty *limited as it is in* § 1963(a) to one's interest in the enterprise which is the subject of the specific offense involved here, and not extending to any other property of the convicted offender, is a matter of congressional wisdom rather than of Constitutional power .... (Emphasis in original.)

Forfeiture under 18 U.S.C. § 1963—RICO's Most Powerful Weapon, 17 Am. Crim.L.Rev. 379, 385 (1980), *quoting* Measures Relating to Organized Crime, Hearings Before the Subcomm. on Criminal Laws and Procedures of the Senate Comm. on the Judiciary, 91st Cong., 1st Sess. 66 (1969). Furthermore, had Congress intended to include fruits and profits, it could have specifically provided for such as it did in the Comprehensive Drug Abuse Prevention and Control Act of 1970, passed by the same Congress in the same month as RICO. 21 U.S.C. § 848(a)(2) states: "Any person who is convicted under paragraph (1) of engaging in a continuing criminal enterprise shall forfeit to the United States—(A) *the profits* obtained by him in such enterprise ...." (Emphasis added.)

[113] We are convinced Congress did not intend to include in the forfeiture provision of § 1963 the fruits and profits obtained from a pattern of racketeering activity. We are aware this holding occasions problems with respect to associations in which one cannot own a legal interest, as in the case *sub judice*. This limitation was recognized by the Justice Department when it stated that "there is often nothing to forfeit ... in the case of individuals associated in fact." *Forfeiture under 18 U.S.C. § 1963—RICO's Most Powerful Weapon*, *supra* at 391, *quoting* U.S. Department of Justice, Explanation of the Racketeer Influenced and Corrupt Organization Statute 2 (4th ed.). The kind of enterprise will, therefore, be critical in the determination of forfeitable interests.

[114] Having concluded that only interests in an enterprise are subject to forfeiture, we reverse the monetary forfeiture orders against Russello, Rodriguez and Martino. The insurance proceeds they received from the burning of their properties were proceeds or profits from the enterprise; the proceeds did not constitute "interest in an enterprise."

[115] We affirm the order of forfeiture of Martino's interest in his two companies because it falls squarely within the language of § 1963(a)(2) which provides for the forfeiture of any interest affording a source of influence over the enterprise. Both of Martino's companies were active in the enterprise. They provided funds for the arson and fraud ventures. The M & S Investment Corporation purchased property with the intent to burn it, but sold the property to someone else who then burned it. Martino was an active participant; he played an important role within the enterprise, a role made even more effective because of the companies he managed. The Act requires forfeiture of his interest in these companies.

The orders of monetary forfeiture entered against Martino, Russello and Rodriguez are REVERSED. The order of forfeiture of Martino's interest in Ybor Loan Company and M & S Investment Corporation is AFFIRMED.

APPENDIX

As noted below, some fires were listed only as overt acts and/or acts of racketeering in Counts 1 and 2 while others were also the subjects of mail fraud counts (Counts 3 through 35). We list only those fires that are at the core of the convictions appealed. All addresses are in Tampa, Florida, unless otherwise indicated.

1. 1202 E. Buffalo Avenue, a bakery (Counts 1 and 2)—Guarino and Scionti burned the premises with the help of two other arsonists who died as a result of the fire.

2. 3401 24th Street (Counts 1 and 2)—Guarino, Noriega and Scionti burned a frame house owned by Scionti in his brother's name. Scionti received a $4,000 settlement on the insurance policy.

3. 1811 Taliaferro Street (Counts 1, 2, 3 and 4)—Guarino, Noriega and Scionti burned a frame house belonging to Palermo and Guarino (silent partner). This house was burned twice; insurance proceeds were collected by Palermo both times. The first time he collected on a policy transferred to him when he bought the house. After the first fire, he made cosmetic repairs to the house and obtained insurance coverage through a different agency. After the second fire, he collected the full face value of this policy, $10,000.

4. 20416 Old Cutler Road, Miami (Counts 1, 2, 5 and 6)—Guarino, Scionti and Noriega burned a laundromat belonging to Lazzara. Lazzara received only $15,117 although he submitted a claim for $40,000.

5. 2208 10th Street and 923 12th Avenue (Counts 1, 2, 7 and 8)—Guarino, Noriega and Macaluso burned two adjacent frame buildings owned by Rodriguez. $4,226.83 was collected by

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① Δ's supplemental motion for New trial and renewal of motion for Judgment of Acquittal

1. VIDEOTAPED testimony of Thomas Romano

Motion p.3 → "The court made no inquiry of the Δ, T.R. concerning the instant state of his health ... pain ... medication ... alertness ... No specific findings were made by the court + No inquiry was made of Frank Romano."

although Rule 15, Fed R Crim P allows use of other than live testimony of witnesses, this is case of 1st impression with a party Δ. Motion p. 4-5

Not a truly free voluntary + intelligent consent see Johnson v Zerbst 58 Sct 1019 (1938)

when T.R. returned on Dec 22, 1980 he should have been given the choice right to resume the witness stand

although Ct had Garcia (517 F2d 272) being 1 yr prior to trial, during trial it was manifestly required again + absent same mandates granting of new trial.

Frank could not cross-ex Thomas since both represented by Curran - ie. for leading questions.

RESPONDENT'S EXHIBIT #38

2. The indictment + the proof were beyond comprehension

the relative lightning speed with which the jury returned their verdicts of guilty enforce the conclusion that they were overwhelmed by the complexity of the case (Motion p. 13)

This case should not have been brought as RICO

3. Invalidity of the Predicate offenses.
(mail fraud 18 USC 1341
wire fraud 18 USC 1343)
< Note that "pattern of racketeering activity" (1961(5)) requires 2 acts of "racketeering activity" as defined in 1961(1), which includes mail + wire fraud. > also theft from Union Pension fraud 18 USC 664)

See U.S. v Computer Sciences Corp
— F. Supp — (SD Ind 1981) 29 Cr L 2070
judge dismissed RICO where predicate acts were mail fraud, but mail fraud was based on "false claims" act + Δ's just used mails so that govt converted a false claims case into a RICO.

"Building Block" Theory
Δ argues that although the Theft from Pension fund was properly charged, the mail fraud + wire fraud was improper + therefore the predicate acts were lacking which mandates dismissing RICO counts.

V. Multiplicity

Charging a single offense in more than one count

allowing the govt to prosecute Δ's on both counts 1 + 6 (18/1962(c)) has violated their 5th amendment protection against double jeopardy

Governments Response to Δ's motion NEW TRIAL

1. Video ~~Deposition~~
   See Court order - "Exhibit A"
   in accord with Rule 15 FRCrP
   Rule 804 F.R. Ev. (unavailability of Δ
   as exception to hearsay) and
   Rule 10~~8~~ FRSV to fairness....

   Δ made an informed tactical decision at trial

   See Rule 15(d) (1) in no event shall a deposition ~~[illegible]~~ be taken of a party Δ without his consent.

   implicit is the rule that a party Δ can have his depo taken with his consent.

   counsel's assertion that Δ was physically + mentally impaired at the taking of the depo is sheer conjecture + not supported by the facts (memo p 3)

* Δ was present + observed TM.

2. Joint Representation

   Garcia requirements were fully complied with

3. Joinder was proper

4. RICO counts not MULTIPLICITOUS
   3 seperate schemes
   counts 1-5 (1) defrauding Martin Kane + IOTA
   counts 6+7 (2) 2nd fraud Persian FUND was victim
   (3) 3rd fraud Persian FUND was victim

→ ROMANO ←

M/pretrial on July 89

M/in: forfeiture

29 Cr L 2106
US v Juliano → case should not have been brought as RICO

ct 6 → Bootstrapping into RICO
see Computer Sciences case...

10 und schem → US v Martino

see US v Brodsby...

/Depo/ Consent

NO MED OBJN →
or Prog of Medicine

Depo in accord w/ Rule 15
D was unavailable
Ct had discretion to grant depo

edited out stuff was fast forwarded...
5 day delay not jurisdict

Climate of jury system in favor of D
no prejudice to D.

Conflict of interest US v Holloway
Burden on D to prove.
Curran should have told Judge
Cuyler → D must show actual conflict
v Sullivan + that that conflict
prejudiced D.

Multiplicity 18/371 cases
Blockburger case on point
Pereira case

M/N/T Denied

Forfeiture:

Martino mandates setting aside 1 + 2 forfeitures

VS v Davis
VS v Martino

VSv Marubeni

does interest

assignment of wife of SEALED

↓

D says indict her as part of enterprise.

what about innocent transf

Martino ignores Conj. intent of Rico

Huber
Gellert
} cases 5th Cir.

& govt distinguishes Martino

Martin cuts against Rubin
(5th Cir)

would
(tender forfeit of interest
in the broader enterprise impossible)!

Martino / Nevis / Turkette → 29 C+L 3088
↓
p 8240

in krost v. Frink

pick up on Nevis - Congress recognized differ...
btw Interest Incr → so is absurd

Stay of forfeit

RESPONDENT'S EXHIBIT #41 — Subpoena to Testify Before Grand Jury

United States District Court

FOR THE

SOUTHERN DISTRICT OF FLORIDA

61-1(MIA)

To: Secretary, Chambers of the Honorable Alcee Hastings, United States Courthouse Building, 300 NE 1st Avenue, Miami, Florida

You are hereby commanded to appear in the United States District Court for the Southern District of Florida at US Courthouse, 300 NE 1st Ave. Room 346 in the city of Miami, Florida on the 13 day of October 1981 at 10 o'clock A M. to testify before the Grand Jury and bring with you for the time period March 1, 1981 to the present, the originals of all of the documents listed below, which are in the possession, custody, care and/or control of the United States District Court for the Southern District of Florida and are the official records of the Honorable Alcee L. Hastings, Judge, United States District Court for the Southern District of Florida.

1. Appointment diaries, daily schedules or itineraries, calendars, travel itineraries.

2. Guest and/or client sign-in sheets.

3. Telephone message books, logs and memoranda.

This subpoena is issued on application of the United States

David Weinbarten, Trial Attorney
US Department of Justice
(local # 350-3044

Date October 9, 1981

By Deneiah Lee Ward, Deputy Clerk

Clerk

(Under the words "and bring with you" unless the subpoena is to compel the attendance of witnesses only, the documents and things should be designated in the blank to be provided for that purpose)

RETURN

Received this subpoena at
and on at
the within named I served it on the
by delivering a copy to and tendering to the fee for one day's attendance and the mileage
allowed by law.

Date 19

By

Govt. Hearing EXHIBIT #41

Service Fees
Travel $
Services
Total $

* Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof. 28 USC 1825, or on behalf of a defendant who is financially unable to pay such costs (Rule 17 (b) Federal Rules Criminal Procedure)

ATTACHMENT "A"

TO BE USED IN LIEU OF AO FORM #210

Form USA-178
JAN 1978

57-3830
3801 Am. Pl.
Sound
Air
MUCH
ALBICH

Jos. Summons
Joe Carter

3 - large knives
1 - small knife
1 - Travel voucher folder
1 - Telephone Message book
1 - Travel Info folder
1 - Copy of Code
1 - Small [illegible]

ATTACHMENT "B"

Govt's Hearing Exhibit "B"

FD-302 (REV. 3-8-77)

RESPONDENT'S EXHIBIT #42

FEDERAL BUREAU OF INVESTIGATION

Date of transcription October 14, 1981

U.S. District court Judge Alcee Hastings was interviewed at 2401 Northwest 43rd Terrace, Lauderhill, Florida.

Judge Hastings was advised of the nature of the interview, specifically questions pertaining to a bribery allegation. Hastings was also orally advised of his rights by Special Agent Simmons. After waiving his right to council, Hastings furnished the following information:

William Borders has been a personal friend of Hastings for approximately 20 years. Both have been very close friends for the past 10 years since Borders was the president of the National Bar Association. They often have social contact when Borders is in South Florida or Hastings is in Washington D.C. Hastings stated that he traveled to Washington D.C. on October 9, 1981 for the purpose of attending a testimonial dinner and boat cruise for Borders. Hastings was to make a speech and present a gift. Prior to traveling to Washington, Hastings traveled to Albany, Georgia on October 8, 1981 for a speaking engagement at a local college.

Hastings arrived in Washington D.C. at approximately 10:30 a.m. on October 9, 1981 and was picked up at the airport by Borders. They immediately traveled to L'Enfant Plaza hotel in Washington D.C. where both checked into the Pierre Suite. Shortly after checking in, they traveled via Borders' car to the Superior Court building in Washington D.C., where Borders had a hearing before Judge Scott. Hastings waited for Borders in the courthouse lobby. Upon leaving the courthouse, Borders and Hastings traveled to W&W liquors to purchase liquor for a party after the evening's testimonial dinner. Thereafter both traveled to Borders' law office. Borders immediately made a private phone call, then advised Hastings he would have to leave and would see him later. Hastings told Borders he did not need a ride back to the hotel, and would call a cab. After Borders left Hastings called his chambers in Miami for a message check, speaking with "Barbara", a law student intern. Hastings placed the call at approximately 1:50 p.m. Thereafter Hastings walked to Nikki's dress shop to see a friend named Brenda Russell, who is employed at the shop. He made another stop at a luggage shop and then returned to the L'Enfant via taxi. While back in the hotel, Hastings received a telephone call from Hemphill Pride, an old friend who was also in

Investigation on 10/9-10/81 at Lauderhill, Florida File # 58-623-SUBD-49

by Special Agent Lawrence K. Harrigan and Special Agent John J. Simmons, Jr. JJS:oas Date dictated 10/14/81

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

APPENDIX—Continued

Rodriguez through the help of Carter.

6. 2917-2917½ 20th Avenue (Counts 1, 2, 9 and 10)—Noriega and Guarino burned a frame house owned by Farina in his mother's name. Farina received $4,000 in insurance proceeds.

7. 3006 N. Nebraska Avenue (Counts 1, 2, 11, 12 and 13)—Macaluso bought a house from Noriega and had Guarino and Noriega burn it. With help from Carter, $23,000 in insurance proceeds was paid to Macaluso.

8. 2020 E. Columbus Drive (Counts 1, 2, 14, 15 and 16)—Noriega and Guarino burned a frame house acquired by Noriega through the assistance of Martino. With the help of Carter, $20,000 was paid on three different insurance policies, two purchased by Noriega and one transferred to him by the prior owner. The property was later burned again by Noriega and he collected an additional $7,105.77.

9. 2510 12th Street (Counts 1 and 2)—Martino purchased an option on a warehouse with the intent to insure it and then burn it. Necessary repairs were made in order to obtain insurance. Guarino and Noriega then bought the option from Martino and put it in the name of Alex Fekete who exercised the option. An office was set up in the warehouse and a $50,000 insurance policy was obtained (in addition to the $30,000 policy transferred from the previous owner who retained a mortgage position for the credit portion of the sale). When more money was needed to cover repairs, Chase got a loan from a client who was given a second mortgage. Noriega burned the property. Fekete had allowed the additional insurance to lapse by failing to pay the premiums. The insurance recovery on the original insurance was paid to the first mortgage holder.

10. 2114 27th Street (Counts 1, 2, 17 and 18)—Fekete and Noriega burned an apartment owned by a relative of Lostracco (co-worker of Martino in his real estate business). A transfer of the property from Lostracco's brother-in-law to Jimmy Traina (straw man for Noriega and Guarino) was attempted but was not completed before the property was burned. The $4,500 in insurance proceeds was initially paid to Lostracco's brother-in-law, but was later delivered over to Noriega, Guarino and Arrigo.

11. 409 E. Oak Street (Counts 1, 2, 19 and 20)—Guarino and Noriega burned a two-story frame house owned by Guarino. The house had been "placarded" by city housing inspectors prior to the fire. Cosmetic repairs were made to the exterior of the house and with Carter's guidance, insurance was obtained. Following the fire the insurance company refused to pay the face value of the policy. Carter intervened and arranged for a $10,000 settlement.

12. 3310 Vasconia Street (Counts 1, 2, 21 and 22)—Noriega and Arrigo burned a house owned by Holt. Morgado had made the necessary arrangements for Holt. When Holt acquired the property he transferred the existing policy and obtained additional coverage. The first attempt at burning the house was unsuccessful; in the second attempt the building was totally destroyed. Holt claimed $41,501.55 under one policy and $36,501.55 under another.

APPENDIX—Continued

13. 4601 W. Kennedy Boulevard (Counts 1, 2, 28 and 29)—Noriega and Traina set fire to the Central Professional Building owned by Russello. Insurance coverage on the premises paid $340,043.09 through adjustments made by Carter.

14. 3012 Highland Avenue (Counts 1 and 2)—Guarino and Noriega attempted to burn a frame apartment building owned by an acquaintance of Guarino. The fire was spotted by neighbors and extinguished prior to extensive damage.

15. 3658 S. Westshore Boulevard (Counts 1, 2, 31 and 33)—Noriega burned a True Value Hardware Store owned by Bill Brown. Prior to the fire, Brown had obtained $175,000 in additional insurance with the help of Carter. The fire was only partially successful, and though Brown claimed damages of over $100,000, the insurance company estimated the damages at only $15,000 and refused to pay the claim.

16. 1907-1915 N. Armenia Avenue (Counts 1, 2, 32 and 33)—This property was acquired by Fisher and Young through arrangements made by Noriega. After superficial repairs were made, insurance coverage was obtained. The building was heavily damaged by fire and $125,000 was collected from the insurance company.

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Adm. Office, U.S. Courts West Publishing Company, Saint Paul, Minn.

pending, and because Jeff was scheduled to leave in a few weeks to begin working for District Court Judge Payne. Hastings wanted all of Jeff's work completed before he left. Hastings stated that while he did push the staff to complete the Romano order, the circumstances surrounding the preparation of the order were not unusual, in that the order should have been issued sooner. Hastings stated that he was not under pressure from anyone to complete the order by October 6, 1981. Hastings added that Miller determined that two recent 5th Circuit Court of Appeals decisions had been handed dow regarding forfeitures which would force Hastings to order a portion of the Romano's forfeiture returned. Hastings did not agree with the 5th Cirucits's decision ans so stated in the order. Hastings denied that his decision or the date he issued his order had anything to do with William Borders. Hastings does not believe he ever discussed the Romano case with Borders. Hastings also denied ever being approached by the Romano brothers or their representatives with a bribe offer in return for consideration by Hastings. He also expanded his statement to include all of the cases before his bench.

Hastings further advised that he is currently paying $100 a month in alimony, $200 per month in private school tuition for his son, $200 a month for a new roof which was put on his ex-wife's home, and $508 per month on a loan he had taken out to pay for a civil judgement against him.

Hastings finally stated that he would cooperate with the Federal Bureau of Investiagation (FBI) in any way possible.

On the morning of October 10, 1981, Special Agent Simmons contacted Judge Hastings and asked if he would be willing to take a polygraph examination regarding the previous night's statements. Jud Hastings replied that he would not take a polygraph under any circumstances.

MM 58-623

Washington for Borders' testimonial dinner. Pride, a former attorney from Columbia, South Carolina, telephone number (803) 252-5943, was staying in room 15179 at L'Enfant. Pride had been convicted of fraud, and was recently released from prison. Hastings and Pride had lunch in Hastings' hotel prior to 3:00 p.m., and at approximately 3:00 p.m. went to the hotel bar for a drink. They were served by an Oriental girl possibly named Mai. Conversation during their meeting centered primarily on how Pride could again practice law in South Carolina. Hastings only remained for a short time in the bar before excusing himself to return to his room for a nap. Shortly after he returned to his room Hastings received a phone call from Pride who advised that Borders had been arrested, and it somehow involved Hastings. Pride suggested that Hastings obtain council as soon as possible. Hastings did not ask Pride his source of information. Hastings traveled to Baltimore, Maryland where he took Delta Flight 237, leaving Baltimore at 6:30 and arriving at Ft. Lauderdale, Florida at 8:50 p.m. After his arrival at Ft. Lauderdale, Hastings called his mother from the airport and then traveled to the residence of his girlfriend Patricia Williams, 2401 Northwest 43rd Terrace, Lauderhill, Florida. Hastings stated that had originally planned to leave Washington on Sunday, October 11, 198 and travel to Orlando, Florida for a speaking engagement at a local college. His decision to return to Florida immediately was based on the belief that he could better defend himself against allegations while on his "own terf".

Hastings stated that approximately 3 weeks ago, he received a telephone call from Borders who asked him to meet him at the Fontenbleau Hotel for dinner. Hastings recalls he arrived at the Fontenbleau during mid-week and believed it was around September 16, 1981. Hastings was accompanied by Essie Thomas of Miami, a close friend (telephone number 688-1256). When Borders did not show up, Hastings walked around the hotel in an attempt to locate him, but was unsuccessful. Hastings stated that the meeting was to be strictl social, as had often occurred in the past when Borders was in Miami. It was Borders who suggested the Fontenbleau, and Hastings does not recall if Borders ever told him why he did not show up. Hastings described Borders as a "clandestine, cloak and dagger" type of person even with his friends, and was often cryptic.

With regard to the motion that was made by Neil Sonnet, attorney for the Frank and Thomas Romano requesting a reverse on their fortfeiture, Hastings advised that he received the motion quite some time ago, assigned it to his law clerk Jeff Miller. Mille was to research the motion, and write an order on it for Hastings. According to Hastings he requested that Jeff complete orders on motions that were pending for a considerable period of time, as quick as possible, both because of the length of time the motions had been

FD 302 (REV. 3-8-77)

RESPONDENT'S EXHIBIT #43

FEDERAL BUREAU OF INVESTIGATION

Date of transcription October 14, 19

U.S. District court Judge Alcee Hastings was interviewed at 2401 Northwest 43rd Terrace, Lauderhill, Florida.

After Borders left Hastings called his chambers in Miami for a message check, speaking with "Barbara", a law student intern. Hastings placed the call at approximately 1:50 p.m.

Investigation on 10/9-10/81 at Lauderhill, Florida File # 58-623-SUB-D-4

by Special Agent Lawrence K. Harrigan and Special Agent John J. Simmons, Jr. JJS:gab Dictated 10/14/81

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RESPONDENT'S EXHIBIT #46

ROOM NO. _____

NAME _____

12.40 : : 556

OCT -95 SR 123 3* 12 10 12.40 : : 559

DATE | SERVER | TIME | COVERS: TOTAL, FOOD | CHECK NO.

0071946

	ROOM SERVICE
1	ROOM SERVICE CHARGE
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	

0.90 : :
5.60 : :
0.90TX :

12.40 : : 557

2

Plant PLAZA

SIGNATURE AND ADDRESS Alice L Hastings
11-239

IC 75

GRATUITIES NOT INCLUDED

RESPONDENT'S EXHIBIT #47

ROOM NO. _____

NAME _____

GOVERNMENT EXHIBIT 40 E

06.20 : : CH 550

06.20 : : CH 551

OCT -9 SR 123 3* 6.20

DATE	SERVER	TIME	COVERS TOTAL / FOOD	CHECK NO.
			0.00 : :	0071944

	ROOM SERVICE	1.50 CY CH :
1	ROOM SERVICE CHARGE	4.25 FD 1 :
2		0.45 TX :
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		

06.20 HL : : 549

fant PLAZA

SIGNATURE AND ADDRESS Edna L. Hastings

#11-239

IC76

GRATUITIES NOT INCLUDED

RESPONDENT'S EXHIBIT #49

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	NO. 81-596-Cr-ETG
v.	)	
	)	
ALCEE L. HASTINGS,	)	
	)	
Defendant.	)	

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ROBERT M. MARCH
CLERK US DIST. CT.
S. D. FLA.-MIAMI

MEMORANDUM IN SUPPORT OF MOTION IN LIMINE

On January 6, 1983 the Government filed with the Court a Motion In Limine directed to 13 categories of anticipated defense evidence. On January 21, 1983 Defendant filed a response to the Government's Motion. Based on this response, as well as other representations made to the Court by the defense, we understand that no evidence will be presented by the defense pertaining to the areas listed in paragraphs 3, 11 and 13 of the Government's Motion. This memorandum will be directed to the remaining 10 areas as listed in defendant's response.

1. Judge Hastings ~~agrees~~ argues that the events of October 9, 1981 when a subpoena was served at his office are relevant to his defense because they demonstrate his state of mind when he departed Washington, D.C. on that date. Obviously the defendant's state of mind at that time has been placed in issue by the Government and evidence pertinent to his state of mind would not be objected to. Thus, any evidence regarding what Judge Hastings might have been told about the subpoena prior to his leaving the L'Enfant Plaza Hotel would

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not be objected to. Such is the only evidence which could possibly bear on Judge Hastings' state of mind when he departed the Hotel. Since Judge Hastings was not present in his chambers, he could only know what he was told regarding the incident. What actually occurred is thus totally irrelevant. Aside from being irrelevant, such evidence of what actually occurred would inject a contentious, inflammatory issue into the trial which could only result in a needless waste of time and confusion for the jury. Under Rule 401 and 403 of the Federal Rules of Evidence such evidence is clearly inadmissible for the purpose of proving Judge Hastings' state of mind. Defendant's contention that the pertinent witnesses have appeared before the grand jury is obviously irrelevant to the question of admissibility at trial.

2. Regarding the proposed testimony of other Federal Judges:

(a) Use of law clerks - Contrary to the assertion in defendant's response, the Government has not and will not put in issue "the use of law clerks by different federal judges". Indeed, the Government is aware of no issue whatsoever regarding ways law clerks are used by judges generally. Obviously different judges use law clerks differently and any testimony about how another judge uses his clerks is totally irrelevant to any issue in the case. Jeffrey Miller will testify that it was unusual for Judge Hastings to tell him to finish the Romano order when he did based on Miller's experience with Judge Hastings and the

circumstances of that order. 1/ How other judges use their clerks generally in no way rebuts this testimony and can only serve to confuse the jury and waste time. Rule 403, F.R.E.

(b) Any testimony by other judges regarding knowledge of others trading on their friendship with judges is both inadmissible hearsay and totally irrelevant. Such evidence, which in no way affirms or rebuts any evidence in this case can only serve to mislead and confuse the jury. Rule 403. Obviously, the government could not and has not put on evidence, hearsay or otherwise, regarding other lawyers who actually do solicit bribes for judges. Such evidence is no different than that proposed by defendant.

(c) Testimony from judges on the meaning of the word "substantial" would be of no relevance whatsoever. Mr. Borders was using this word when speaking to someone he thought was a convicted racketeer with no legal training. There is no legal context whatsoever to its use in this case. A jury's ability to interpret what was meant by that term in that context is no different from the ability of a judge to do so. Such expert-type testimony from a judge cannot possibly assist the jury in evaluating this issue, Rule 702, F.R.E.

(d) There is no issue whatsoever in this case as to whether the RICO statute is complicated. The evidence

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1/ Thus, testimony showing that it was not unusual for Judge Hastings to handle cases in this fashion, if properly presented, might be admissible. See paragraph 9, infra.

that will be presented by law clerk Miller in no way disputed the fact that the RICO statute is complicated. The issue of what Judge Hastings knew regarding the Romano forfeiture order at various times is in no way pertinent to what other judges think about the complicated nature of the RICO statute. Such evidence can only confuse and mislead the jury and should be excluded. In the abstract, the only conceivably relevant "expert-type" testimony a judge could give in this regard would have to be premised on a duplication of the precise situation - including the specific issue, the specific briefs filed, the oral arguments heard, previous experience, and the communications with the law clerk - a clear impossibility. Even then it is difficult to understand how such evidence would be relevant to whether Judge Hastings was part of the conspiracy in this case. Testimony of other judges regarding "the complicated nature of the RICO statute and [the forefeiture] provisions" is wholly irrelevant and that reason could only confuse and mislead the jury. Rule 403, F.R.E.

(e) The issue of whether papers in Judge Hastings Chambers were insecure can be presented through evidence of procedures and problems in Judge Hastings' Chambers. The security in other Chambers is in no way pertinent to how William Borders obtained knowledge of the Romano order. If other judges can testify based on personal knowledge that Judge Hastings' phones were somehow wiretapped by William Borders or an agent of William Borders, it obviously would be relevant. Testimony of another judge regarding "the

possibility of Court telephones being wiretapped" is irrelevant to any issue in the case and could only mislead and confuse the jury. If the Romano order was vulnerable to being discovered prior to its release, it is arguably relevant, although such evidence is in the nature of pure speculation regarding matters at issue in this case. Other judge's opinions, however, regarding Court security generally are infinitely more speculative and irrelevant to the existence of the charged conspiracy. Because it is so speculative and remote. it could only mislead the jury particularly given the nature of the proposed witness and should thus be excluded. Rule 403.

3. Months after he was indicted in December, 1981, Judge Hastings came to the F.B.I. and alleged that someone in Newark, New Jersey was impersonating him to gain sexual favors from a woman. Assuming this allegation to be true, it is difficult to imagine facts more dissimilar to the ones in this case. That some unknown individual in New Jersey may have impersonated Judge Hastings to seduce a woman is totally irrelevant to the question of whether or not Judge Hastings was in league with his close friend William Borders in a bribery scheme. Simple application of Rule 402 requires that this proffer of evidence be ruled inadmissible.

4. There is no dispute whatsoever regarding Judge Hastings suspicion he was being wiretapped during the times at issue. 2/ Indeed the government presented such in its

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2/ For the record, at no time has there been any government wiretap of Judge Hastings.

case in chief. Obviously Judge Hastings can testify that he thought he was wiretapped and it will not be disputed that he so thought. Any evidence regarding wholly unrelated incidents which might have caused him to have this belief is totally irrelevant since his belief is not in issue. Moreover, evidence of totally unrelated incidents which tend to prove a matter not in issue can only serve to confuse the jury and cause undue delay. In addition, there is the obvious danger that the jury could be easily mislead into thinking that any such evidence of unrelated incidents is somehow related to the facts of this case, which included a court authorized wiretap. Given the total lack of relevance and the obvious potential for confusion and prejudice, any evidence of specific incidents that caused Judge Hastings to believe he was being wiretapped should be excluded.

5. The defense herein proffers evidence that Borders was involved in other "scams" in the past. It is clear that evidence of such crimes and prior bad acts is barred by Rule 404(a), Fed. R. Evid. Courts have routinely held that any marginal probative value of such evidence is far outweighed by the fact that it would confuse the issues, mislead the jury, and unfairly prejudice parties not before the Court. See, e.g. Cross v. State of Georgia, 581 F.2d and 102 (5th Cir. 1978); United States v. Steffen, 641 F.2d 591 (8th Cir. 1981); and United States v. Bocra 623 F.2d 281 (3rd. Cir. 1980). The defense seeks to avoid application of this familiar rule by citing Rule 404(b) and arguing that Borders'

prior "scams" show his "intent, plan...." etc. as to this crime. It is conceivable that other criminal activity of Borders' sufficiently similar in nature and contemporaneous in time to the crimes in this case could be relevant to the issuer now being litigated. That is, evidence that on other occasions Borders "scammed" racketeers by taking money in returns for representations that a judge friend of his would grant judicial favor could conceivably be admissible. Before such evidence is admissible, however, it should carefully be considered by the court outside the presence of the jury so that a determination can be made whether or not the evidence offered and Borders conduct in this case are part of some common "plan or scheme". We represent to the Court that we are aware of no such evidence that meets Rule 404(b) requirements and we request that a specific proffer be made at this time by the defense of its evidence in this category so that there is no delay at trial and no unfair prejudice to innocent third parties. We emphasize that "other crimes" evidence should not be admitted merely to demonstrate a propensity to commit particular crimes on the part of Borders. Rule 404(a).

6. The defense herein proffers a witness who will testify that he has "traded on other judges names" in other cases in an effort to prove that Borders was trading on Judge Hastings name in this case. The patent irrelevance of this offer is highlighted by consideration of the converse situation: would the government then be able to prove its

case by introducing evidence that other public officials receive bribes through corrupt middlemen?

This same witness apparently is prepared to testify that he solicited Judge Hastings in a criminal enterprise in the past and was rebuffed. That Judge Hastings may have rejected a criminal proposal in the past in a totally unrelated situation makes it no less likely that he committed a crime with William Borders. Therefore, this evidence should be excluded as irrelevant.

7. At present, there is no issue regarding the number of character witnesses.

8. The defense will offer testimony concerning the alleged "habits" of Judge Hastings, namely his travel, dinner and letterwriting "habits". McCormick on Evidence § 195 at 463 (2d ed. 1972) provides the seminal definition of "habit evidence":

> "A habit.... is the person's regular practice of meeting a particular kind of situation with a specific type of conduct, such as the habit of going down a particular stairway two stairs at a time, or of giving the hand-signal for a left turn, or of alighting from railway cars while they are moving. The doing of the habitual acts may become semi-automatic."

The most frequently cited criminal case considering "habit" evidence is Levin v. United States, 119 U.S. App. D.C. 156, 338 F.2d 265 (1964), wherein testimony as to the religious "habits" of the accused, offered as tending to

prove that he was at home observing the Sabbath rather than out obtaining money through larceny by trick, was held properly excluded:

> It seems apparent to us that an individual's religious practices would not be the type of activities which would lend themselves to the characterization of 'invariable regularity'. Certainly the very volitional basis of the activity raises serious questions as to its invariable nature, and hence its probative value.
> Levin at 272.

See also, United States v. Sampol, 636 F.2d 621, 657 n.21 (D.C. Cir. 1980); United States v. Cirillo, 425 F. Supp. 1254 (S.D.N.Y. 1977).

Unless the proferred "habit" evidence reaches the standard of "semi-automatic" behaviours that gives this type of evidence its reliability, it should not be admissible. While we do not know exactly what evidence will be offered in this regard, it is difficult to imagine dinner, travel or letter-writing "habits" that are "semi-automatic" and thus admissible under Rule 406.

9. As a general matter the government does not object to evidence of the type set forth in paragraph 9 of defendant's response.

10. The mere fact that an FBI agent was "involved at some point" in the investigation does not necessarily make his or her testimony relevant to any issue at trial. Judge Hastings has apparently limited substantially the number of

FBI witnesses he intends to call. Unless such witness can testify concerning facts pertinent to the trial, as opposed to any past trial hearings, the government will object.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this memorandum was served by hand this 22nd. day of January 1983 on counsel for the defense.

by Robert I. Richter

REID H. WEINGARTEN

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TO DIRECTOR, FBI PRIORITY

(ATTN: JOHN KELLY, UNIT CHIEF, OCI SECTION)

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INTERNATIONAL LONGSHOREMEN'S ASSOCIATION (ILA), LOCALS 1416 AND 1922; HOBBS ACT - LABOR; LMRDA; LMRA; NARCOTICS; OO:MM.

THIS COMMUNICATION IS BEING SUBMITTED TO SET FORTH THE MIAMI DIVISION'S POSITION RELATIVE TO THE PROSECUTION OF JUDGE ALCEE HASTINGS FOR DISCLOSING TITLE III INFORMATION CONCERNING CAPTIONED MATTER. ON APRIL 4, 1986, ERIC HOLDER, PUBLIC INTEGRITY SECTION (PIS), DOJ, INDICATED THAT PIS HAD DECLINED PROSECUTION OF JUDGE HASTINGS IN FAVOR OF PROCEEDING NON-CRIMINALLY, THAT IS, BY NOTIFYING THE CHIEF OF THE ELEVENTH CIRCUIT OF HASTINGS' ACTIONS AND REQUESTING THE CHIEF JUDGE TO REFER THE MATTER TO THE JUDICIAL CONFERENCE. THE MIAMI DIVISION DOES NOT AGREE WITH THIS

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DECISION. OUR POSITION IS THAT HASTINGS SHOULD BE INITIALLY CRIMINALLY PROSECUTED FOR AT LEAST CONTEMPT (TITLE 18, USC 402, 1391) AND THEREAFTER, REGARDLESS OF THE OUTCOME, NON-CRIMINAL SANCTIONS SHOULD BE SOUGHT. MR. HOLDER NOTED THAT THE HASTINGS MATTER IS ESSENTIALLY A ONE ON ONE CASE WITH STRONG CORROBORATION. NEVERTHELESS, BECAUSE IT IS ONE-ON-ONE, PIS WILL NOT PROSECUTE IT. THE MIAMI DIVISION, ON THE CONTRARY, VIEWS THE EVIDENCE IN THIS CASE AS STRONG EVIDENCE CAPABLE OF SUSTAINING A CONVICTION FOR CONTEMPT. WE DO AGREE THAT THE CASE IS ESSENTIALLY A ONE-ON-ONE CASE, BUT THE GOVERNMENT'S MAIN WITNESS IS THE MAYOR OF DADE COUNTY WHO HAS HAD AN UNBLEMISHED RECORD IN SOUTH FLORIDA POLITICS FOR OVER 27 YEARS AND, THOUGH NOT ADMISSIBLE, DID PASS A POLYGRAPH. WE ALSO POINT OUT THAT STRONG CIRCUMSTANTIAL EVIDENCE DERIEVED FROM TITLE III OVERHEARS, CONSENSUALLY RECORDED CONVERSATIONS BETWEEN A COOPERATING WITNESS AND MAYOR CLARK AND OTHERS, AND STATEMENTS MADE TO AUSA ROBERTO MARTINEZ AND SA GEOFFREY C. SANTINI BY HASTINGS DURING THE COURSE OF THE WIRETAP PRESENTS STRONG CORROBORATION OF MAYOR CLARK'S ANTICIPATED TESTIMONY.

BRIEFLY, THE EVIDENCE IN THE CASE IS AS FOLLOWS:

1. MAYOR CLARK WILL TESTIFY THAT ON SEPTEMBER 6, 1985,

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JUDGE HASTINGS WARNED CLARK AT A METRO MIAMI ACTION PLAN (MMAP) MEETING HELD IN MIAMI, FLORIDA, TO "STAY AWAY FROM KEVIN GORDON, HE'S HOT, HE'S BEEN USING YOUR NAME (CLARK) IN HIALEAH." CLARK WILL ALSO TESTIFY THAT HASTINGS MAY HAVE SAID SOMETHING ABOUT ZONING PROBLEMS. CLARK WILL FURTHER TESTIFY THAT AFTER BEING WARNED, HE PLACED A TELEPHONE CALL TO PETER FERGUSON, DIRECTOR OF FINANCE, PORT OF MIAMI, AT FERGUSON'S OFFICE AND INSTRUCTED FERGUSON TO CONTACT GORDON AND ARRANGE TO HAVE GORDON MEET HIM (CLARK) AT THE MIAMI OUTBOARD CLUB (MOC) AT 11:30 A.M., THAT SAME DAY, SEPTEMBER 6, 1985. CLARK WILL TESTIFY THAT HE DID, IN FACT, MEET WITH GORDON ON SEPTEMBER 6, 1985, AT THE MOC AND RELATED TO GORDON THE SUBSTANCE OF HASTINGS' WARNING. CLARK WILL ALSO TESTIFY TO A MEETING HE HAD WITH GORDON ON NOVEMBER 7, 1985, AT THE MOC IN WHICH HE AGAIN DISCUSSED SPECIFIC DETAILS OF THE HASTINGS' WARNING. THIS MEETING WAS CONSENSUALLY RECORDED BY GORDON. THE RECORDING COULD BE INTRODUCED TO SHOW THAT CLARK WAS WARNED BY HASTINGS AND/OR DID IN FACT WARN GORDON, THE SUBJECT OF AN FBI INVESTIGATION.

2. PETER FERGUSON WOULD BE EXPECTED TO CORROBORATE CLARK'S

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TESTIMONY RELATIVE TO BEING REQUESTED BY CLARK TO CONTACT GORDON AND ARRANGE A MEETING AT THE MOC. HE WOULD ALSO BE ABLE TO TESTIFY TO THE SEPTEMBER 6, 1985 SUBSTANTIVE CONVERSATION BETWEEN CLARK AND GORDON AT THE MOC. AGAIN, THIS TESTIMONY WOULD BE INTRODUCED NOT AS HEARSAY BUT TO SHOW CLARK HAD, IN FACT, TOLD GORDON OF THE HASTINGS WARNING A SHORT TIME AFTER THE MMAP MEETING AND OF THE IDENTITY OF THE FEDERAL JUDGE (HASTINGS) WHO WARNED HIM (CLARK).

3. TITLE III OVERHEARS ON SEPTEMBER 6, 1985, CONFIRM FERGUSON CONTACTING GORDON TO SET UP THE 11:30 A.M., MOC MEETING BETWEEN GORDON AND CLARK. TITLE III OVERHEARS ON SEPTEMBER 9, 1985, BETWEEN GORDON AND GORDON'S ATTORNEY, RICHARD BONEHILL, CONFIRM THAT CLARK TOLD GORDON OF THE HASTINGS WARNING AND ARE NOT HEARSAY STATEMENTS. TESTIMONY OF BONEHILL AND JOHNNY RIVERO, FBI SOURCE, RELATIVE TO CONVERSATIONS BETWEEN THEMSELVES AND GORDON FURTHER CORROBORATE GORDON BEING TOLD OF THE HASTINGS WARNING.

4. TESTIMONY OF ROBERTO MARTINEZ, ASSISTANT UNITED STATES ATTORNEY (AUSA) WOULD DETAIL HASTINGS KNOWLEDGE OF THE HIALEAH/ CLARK INVESTIGATION. FURTHER, MARTINEZ WOULD TESTIFY THAT ON AUGUST 29, 1985, ONE WEEK PRIOR TO THE DISCLOSURE, HASTINGS READ THE SECOND TITLE III PROGRESS REPORT WHICH CONTAINED DETAILED

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INFORMATION CONCERNING THE FBI'S HIALEAH INVESTIGATION AND CLARK'S INVOLVEMENT. MARTINEZ WOULD TESTIFY THAT HASTINGS COMMENTED TO MARTINEZ RELATIVE TO THE REPORT "PRETTY HEAVY STUFF." MARTINEZ WOULD TESTIFY THAT HE TOLD HASTINGS THAT CLARK WAS NOT THE TARGET OF THE INVESTIGATION, THAT CLARK WAS BEING INTRODUCED TO THE CS AS A CONTACT INTO HIALEAH COUNCILMAN SILVIO CARDOSO, WHO ACCORDING TO GORDON, "WOULD HAVE TO BE TAKEN CARE OF" TO OBTAIN ZONING AND LICENSING CHANGES. MARTINEZ WOULD TESTIFY THAT HE THEN EXPLAINED TO JUDGE HASTINGS THAT THE USA'S OFFICE AND THE FBI HAD INTELLIGENCE INFORMATION AND EVIDENCE ABOUT CORRUPTION IN POLITICS IN HIALEAH. MARTINEZ TOLD JUDGE HASTINGS THAT THE FBI HAD AN INVESTIGATION INTO THAT PROBLEM WHICH WAS THUS FAR UNPRODUCTIVE. HE TOLD HASTINGS THAT THE USA'S OFFICE AND THE FBI HAD DECIDED TO TARGET THE PROBLEM OF HIALEAH CORRUPTION USING GORDON, WHO APPEARED TO BE WELL CONNECTED AND WHO CLAIMED THAT HE HAD MADE ILLEGAL INFLUENCE PAYMENTS IN THE PAST, AND WOULD DO SO FOR THE CONFIDENTIAL SOURCE AND GINO, AN FBI UNDERCOVER SA, IN CONNECTION WITH THE "PHOTON" UNDERCOVER PROJECT. MARTINEZ WOULD TESTIFY THAT HE TOLD JUDGE HASTINGS THAT MAYOR CLARK "WALKED INTO THE PICUTRE WHEN GORDON INTRODUCED HIM TO JOHNNY RIVERO," AND THAT JUDGE HASTINGS STATED

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THAT "CLARK BETTER BE CAREFUL BECAUSE HE COULD GET IN TROUBLE HANGING AROUND WAXY."

5. SA GEOFFREY C. SANTINI WOULD TESTIFY THAT AS THE TITLE III AFFIANT FOR THE EXTENTION OF THE WIRETAP ORDER HE MET WITH JUDGE HASTINGS IN HIS CHAMBERS ON AUGUST 15, 1985. HASTINGS READ THE EXTENSION DOCUMENTS AND SAID "WHEN I FIRST BEGAN READING THIS APPLICATION I THOUGHT THAT WAXY WAS THE RADIO STATION." SA SANTINI WOULD TESTIFY THAT HE THEREAFTER INFORMED HASTINGS THAT WAXY WAS IN FACT KEVIN GORDON AND THAT HASTINGS THEN SAID "WAXY IS LIKE THE RADIO STATION IF HE DOESN'T KEEP HIS MOUTH SHUT HE WILL GET EVERYONE INTO TROUBLE INCLUDING THE MAYOR."

6. FOR THE PURPOSE OF ESTABLISHING HASTINGS MENS REA (CRIMINAL INTENT) RELATIVE TO THE DISCLOSURE OF TITLE III INFORMATION, IT SHOULD BE RECALLED THAT HASTINGS TESTIFIED DURING CROSS-EXAMINATION AT HIS BRIBERY TRIAL (U.S. V. HASTINGS, 1983) THAT HE (HASTINGS) WOULD BE ETHICALLY AND LEGALLY BOUND NOT TO REVEAL THE SUBSTANCE OF A WIRETAP. (SEE VOLUME 20, P. 1976 OF TRIAL TRANSCRIPTS).

WE ALSO NOTE THAT AN ANALYSIS OF THE SUGGESTED LEGAL THEORY UNDER WHICH HASTINGS COULD BE PROSECUTED, NAMELY CRIMINAL CONTEMPT, BT

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INTERNATIONAL LONGSHOREMEN'S ASSOCIATION (ILA), LOCALS 1416 AND [illegible] 1922; HOBBS ACT - LABOR; LMRDA; LMRA; NARCOTICS; OO:MM.

STRONGLY SUGGESTS THAT HASTINGS WOULD NOT BE ENTITLED TO A TRIAL BY JURY. A BENCH TRIAL WOULD CONCEIVABLY ELIMINATE ANY CHANCE OF AN INCONSISTENT JURY VERDICT. HENCE, IT IS OUR VIEW THAT THE FACTS ARE SUFFICIENT TO SUCCESSFULLY PROSECUTE HASTINGS.

IN ADDITION TO THE FACTUAL CONSIDERSATIONS JUSTIFYING PROSECUTION, THERE ARE OTHER PARAMONT GROUNDS REQUIRING HASTINGS' PROSE-

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CUTION. THESE PERTAIN TO THE ADVERSE IMPACT HASTINGS CRIMINAL CONDUCT HAD ON ONGOING FBI INVESTIGATIONS AND FUTURE PROBLEMS THAT MAY ARISE IF HASTINGS IS ALLOWED TO CONTINUE AS A FEDERAL DISTRICT COURT JUDGE.

ADVERSE IMPACT ON FBI CASES:

IN JULY, 1984, THE MIAMI DIVISION INITIATED AN INVESTIGATION INTO LOCAL 1922 OF THE ILA BASED UPON A BROAD RANGE OF ALLEGATIONS OF CRIMINAL CONDUCT BY ILA UNION OFFICIALS. THIS INVESTIGATION IS CAPTIONED AS ABOVE.

THESE ALLEGATIONS WERE SIMILAR TO THOSE THAT AROSE DURING THE UNIRAC CASE, AND INCLUDE SUCH PRACTICES AS KICKBACKS TO UNION OFFICIALS BY UNION MEMBERS TO SECURE UNION MEMBERSHIPS, JOBS AND OTHER BENEFITS. IN ADDITION, ALLEGATIONS HAVE ALSO ARISEN THAT NARCOTICS IS BEING TRAFFICKED THROUGH MIAMI DOCKS BY ILA OFFICIALS AND THAT CUSTOMS' INSPECTORS ARE BEING BRIBED BY ILA OFFICERS TO PERMIT THE NARCOTICS TO PASS THROUGH. FURTHER, THERE ARE PERSISTENT INDICATIONS THAT THE MIAMI LOCALS CONTINUE TO BE CONTROLLED BY LA COSA NOSTRA (LCN) ELEMENTS IN NEW YORK.

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ILA LOCAL 1922 WAS THE SUBJECT OF AN FBI INVESTIGATION (UNIRAC) DURING THE MID 70'S, WHICH RESULTED IN THE PROSECUTION AND CONVICTION OF NUMEROUS UNION OFFICIALS, EMPLOYEES AND ASSOCIATES FOR A VARIETY OF LABOR RELATED AND RACKETEERING OFFENSES. NEVERTHELESS, THE CURRENT INVESTIGATION CONTINUES TO SHOW THAT VARIOUS INDIVIDUALS WHO WERE INDICTED IN THE UNIRAC CASE ARE STILL INVOLVED EITHER DIRECTLY OR INDIRECTLY IN THE AFFAIRS OF THE UNION. FOR INSTANCE, GEORGE BARONE, WHO WAS PRESIDENT OF LOCAL 1922, IS BELIEVED TO CONTINUE TO RUN THE UNION FROM PRISON AND JAMES VANDERWYDE, WHO WAS THE OFFICE MANAGER OF LOCAL 1922, IS THE FATHER OF CORNELUIS "BUTCH" VANDERWYDE, CURRENT SECRETARY/ TREASURER AND BUSINESS AGENT OF LOCAL 1922. "BUTCH" VANDERWYDE HIMSELF WAS INDICTED IN UNIRAC, BUT WAS LATER GRANTED A SEVERANCE FROM THE OTHER DEFENDANTS AND SUBSEQUENTLY PROSECUTION WAS DROPPED AGAINST VANDERWYDE. DESPITE THE CONVICTIONS OF VARIOUS UNION OFFICIALS IN UNIRAC, IT NOW APPEARS THAT ILLEGAL LABOR PRACTICES CONTINUE AND A NEW GENERATION HAS TAKEN CONTROL OF LOCAL 1922.

IN ADDITION TO VANDERWYDE'S CONNECTION WITH LOCAL 1922, "PEANUTS" TRONOLONE, THE SON OF THE BOSS OF THE CLEVELAND FAMILY OF LCN, HAS ALSO TAKEN A POSITION WITHIN THE UNION AND

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HAS INDICATED THAT HE IS TAKING OVER HIS FATHER'S INTERESTS IN SOUTH FLORIDA.

IN AN EFFORT TO PENETRATE THE FULL EXTENT AND SCOPE OF ILLEGAL ACTIVITIES, MIAMI ATTEMPTED TO INTRODUCE A CONFIDENTIAL SOURCE (CS) INTO LOCAL 1922. HOWEVER, BECAUSE OF THE UNION'S FEAR OF FBI PRESENCE, INITIAL DIRECT EFFORTS TO BECOME A MEMBER OF LOCAL 1922 WERE REBUFFED. CS, HOWEVER, WAS ABLE TO MAKE CONTACT WITH UNION OFFICIALS THROUGH INTERMEDIARIES, BUT IT WAS DETERMINED THAT A $30,000 PAYOFF WOULD HAVE TO BE MADE IN ORDER TO ACQUIRE MEMBERSHIP. ONE INTERMEDIARY, "WAXY" GORDON (DECEASED), A PUBLIC OFFICIAL, HAD CONTACTED BUTCH VANDERWYDE IN AN ATTEMPT TO SECURE UNION MEMBERSHIP FOR CS. ANOTHER INTERMEDIARY, STEPHEN NAHAY (DECEASED), AN LCN MEMBER AND NEPHEW OF A CAPO IN THE GAMBINO FAMILY, CLAIMED TO HAVE CONTACTED DOUGLAS RAGO, CURRENT BUSINESS AGENT FOR LOCAL 1922, IN AN ATTEMPT TO SECURE UNION MEMBERSHIP FOR CS. IN THE COURSE OF THIS INVESTIGATION, CS HAD MADE NUMEROUS CONSENSUAL RECORDING BETWEEN HIMSELF AND THE INDIVIDUALS INVOLVED IN THIS MATTER.

IN AN EFFORT TO FURTHER PENETRATE THE CRIMINAL CONSPIRACY, THE MIAMI DIVISION INSTITUTED TITLE III COVERAGE OF STEPHEN

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NAHAY, "PEANUTS" TRONOLONE AND KEVIN GORDON WHO WAS EMPLOYED AS A ZONING CODE ENFORCER FOR THE CITY OF SURFSIDE, FLORIDA. WITH REGARD TO GORDON, ADDITIONAL INFORMATION HAD BEEN DEVELOPED INDICATING THAT HE WAS ALSO RECEIVING EXTORTIONATE PAYMENTS FROM CONTRACTORS AND MAKING LOANSHARK PAYMENTS TO LCN CHICAGO ELEMENTS. TITLE III WAS INITIATED ON JULY 14, 1985 AND CONCLUDED ON SEPTEMBER 14, 1985. IT WAS ANTICIPATED THAT TITLE III COVERAGE AND PLACEMENT OF SOURCE ON THE MIAMI WATERFRONT WOULD FURTHER DOCUMENT LABOR AND POLITICAL CORRUPTION AND EXPOSE THE ACTIVITIES OF LCN ELEMENTS IN THE MAIMI AND NEW YORK AREAS.

TITLE III COVERAGE DID CONFIRM THAT TRONOLONE, SR., THE ACTING BOSS OF THE CLEVELAND FAMILY IS INVOLVED IN QUESTIONABLE FINANCIAL TRANSACTIONS INVOLVING THE PENSION FUNDS OF A LOCAL STEVEDORE COMPANY.

IN FEBRUARY, 1985, THE MIAMI DIVISION ALSO INITIATED AN INVESTIGATION OF ALLEGED CORRUPTION ACTIVITIES INVOLVING OFFICIALS OF THE CITY OF HIALEAH, FLORIDA. THIS CASE IS CAPTIONED: HIPRO; HOBBS ACT - CPO; OO:MM; MM 194C322. A SERIES OF NEWS ARTICLES AND EXTENSIVE FBI COVERT INVESTIGATION CLEARLY DOCUMENT A PATTERN OF CORRUPTION THROUGH WHICH OFFICIALS HAVE RECEIVED

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SUBSTANTIAL MONETARY BENEFITS FROM THE MANIPULATION OF CITY ORDINANCES, CODES AND ZONING REGULATIONS.

HIALEAH IS THE SECOND LARGEST CITY IN DADE COUNTY. IT IS A PLACE WHERE LONG RANGE DEVELOPMENT PLANS ARE ALTERED REGULARLY, ALLEGEDLY OFTEN ENRICHING THE CITY OFFICIALS, THEIR RELATIVES AND BUSINESS ASSOCIATES. COUNCILMEN OFTEN USE THEIR VOTES TO GRANT FAVORS AND CONFLICTS OF INTEREST ARE COMMON. BUSINESSMEN ATTEMPTING TO ESTABLISH A BUSINESS IN HIALEAH, OR DEVELOPERS TRYING TO LEGITIMATELY REZONE A PARTICULAR PARCEL OF LAND, ARE OFTEN CONFRONTED WITH AN EXTORTION DEMAND. IN ORDER TO OBTAIN THE APPROPRIATE LICENSING, OR HAVE AN AREA OF LAND REZONED, INVESTIGATION INDICATES THAT PAYOFFS MUST BE MADE TO MIDDLEMEN ACTING ON BEHALF OF CORRUPT COUNCILMEN.

AS A RESULT OF THE PATTERN OF CRIMINAL ACTIVITY OUTLINED ABOVE, ARBITRARY ZONING CHANGES HAVE CAUSED A DEMOGRAPHIC SITUATION WHERE RESIDENTIAL NEIGHBORHOODS ARE BEING OVERRUN WITH COMMERICAL BUSINESSES. THERE ARE ILLEGAL DUPLEXES, AN OVER ABUNDANCE OF GARAGES CONVERTED INTO EFFICIENCY APARTMENTS AND AN INORDINATE NUMBER OF SHOPPING CENTERS. IT IS APPARENT THAT CITY OFFICIALS WHO ARE CHARGED WITH THE RESPONSIBILITY OF CONTROLLING THE GROWTH AND DEVELOPMENT OF HIALEAH, THE THIRD LARGEST

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FM MIAMI (195A-22) (PC-1) (P)

TO DIRECTOR, FBI PRIORITY

(ATTN: WALTER SCHEUPLEIN, OC SECTION)

(HAND CARRY)

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SECTION THREE OF FOUR

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION (ILA), LOCALS 1416 AND. . . 1922; HOBBS ACT - LABOR; LMRDA; LMRA; NARCOTICS; OO:MM.

CITY IN FLORIDA, HAVE DONE SO AT THE EXPENSE OF THE ENTIRE COMMUNITY.

BECAUSE OF EXTENSIVE PUBLICITY THE HIALEAH CORRUPTION PROBE RECEIVED IN FEBRUARY, 1985, AND INFORMANT INFORMATION THAT OFFICIALS WERE SENSITIVE TO AN FBI INVESTIGATION, IT WAS DECIDED TO FOREGO TRADITIONAL INVESTIGATIVE MEASURES. INSTEAD, IN JUNE, 1985, THE FBI INITIATED A GROUP II UNDERCOVER OPERATION UTILIZING THE "PHOTON" SCENARIO. THE GROUP II UNDERCOVER OPERATION, HOWEVER, WAS TERMINATED IN SEPTEMBER, 1985, AS IT WAS UNSUCCESSFUL. HOWEVER, IN AUGUST, 1985, THE PHOTON SCENARIO WAS

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DIRECTED TOWARD HIALEAH CORRUPTION VIS-A-VIS KEVIN GORDON, WHO WAS A TARGET IN THE ILA INVESTIGATION.

BASED UPON ALLEGATIONS ARISING OUT OF THE ILA CASE, A SPINOFF INVESTIGATION OF GORDON WAS INITIATED. THIS INVESTIGATION CAPTIONED: KEVIN GORDON, AKA "WAXY", ZONING CODE ENFORCER, CITY OF SURFSIDE, SURFSIDE, FLORIDA; UNSUBS; RICO-CPO; OO:MM; MM 183A-2182, REVEALED THAT GORDON (WHO RECENTLY PASSED AWAY), WAS INVOLVED IN AN EXTENSIVE PATTERN OF RACKETEERING ACTIVITIES INCLUDING NARCOTICS VIOLATION, LABOR-RELATED EXTORTION AND BRIBERY. GORDON REPEATEDLY STATED TO CS HE HAD NUMEROUS CONTACTS WITH PUBLIC OFFICIALS THROUGHOUT THE CITY OF MIAMI AND DADE COUNTY. THESE CONTACTS WERE SUCH THAT GORDON WOULD BE IN A POSITION TO ARRANGE AND EXPEDITE ILLICIT ZONING, AND/OR LICENSING CHANGES.

IN AUGUST, 1985, CS INTRODUCED AN FBI UCA TO GORODN. GORDON TOLD UCA THAT HE DID NOT FORESEE ANY UNDUE PROBLEMS IN OBTAINING PROPERTY AND NECESSARY ZONING AND LICENSING REQUIREMENTS WITHIN THOSE AREAS WHERE GORDON HAD CONTACTS. THE UCA ADVISED GORDON THAT HIS BACKERS WERE PRIMARILY INTERESTED IN SETTING UP A "PHOTON" VIDEO ARCADE FRANCHISE IN THE HIALEAH AREA. THE CS WHO INTRODUCED GORDON TO THE UCA, AND WHO HAD ALMOST DAILY CONTACT

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WITH GORDON ADVISED THAT GORDON HAD ALREADY LOCATED SEVERAL PIECES OF PROPERTY FOR UCA TO CONSIDER IN THE CITY OF HIALEAH. GORDON ALSO HAD OBTAINED THE NAME OF HIALEAH COUNCILMAN SILVIO CARDOSO FROM METRO-DADE MAYOR STEVE CLARK AS THE PERSON TO SEE IF PROBLEMS SHOULD ARISE IN OBTAINING ZONING VARIANCES OR LICENSING. CARDOSO IS A SUBJECT IN THE HIPRO INVESTIGATION REFERRED TO SUPRA. A NUMBER OF MEETINGS BETWEEN THE UCA AND GORDON ENSUED IN WHICH GORDON DISCUSSED BRIBE MONEY. THE PHOTON SCENARIO WAS BEING CLOSELY MONITORED THROUGH TITLE III COVERAGE BEING CONDUCTED OUT OF THE ILA CASE.

ON SEPTEMBER 9, 1985, AND IN SUBSEQUENT DAYS, IT BECAME EVIDENT THAT JUDGE HASTINGS HAD LEAKED THE EXISTENCE OF THE HIALEAH CORRUPTION CASE TO MAYOR CLARK, WHO IN TURN WARNED GORDON. IT WAS ALSO CLEAR THAT OTHER INDIVIDUALS, NAMELY PETER FERGUSON, DIRECTOR OF FISCAL OPERATIONS OF THE PORT OF MIAMI, WERE ALSO AWARE OF THE INVESTIGATION AND EXPRESSED SUSPICION AT THE BONA FIDES OF THE INFORMANT THE MIAMI DIVISION WAS TRYING TO PLACE ON THE PORT THROUGH CONTACTS WITH GORDON AND KNOWN LCN FIGURES. INDEED, IN A RECORDED CONVERSATION BETWEEN GORDON AND FERGUSON, FERGUSON SAID HE CONCLUDED THE SOURCE WAS A DEA AGENT

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BECAUSE OF THE HASTINGS DISCLOSURE TO CLARK. ACCORDINGLY, THE FBI DISCONTINUED ITS EFFORTS TO INFILTRATE THE PORT THROUGH THE SOURCE. OF COURSE, THIS DECISION WAS BASED UPON THE PREMISE THAT CLARK MAY HAVE BEEN INFORMED BY HASTINGS OF THE TRUE IDENTITY AND PURPOSE OF THE SOURCE AND THROUGH FERGUSON, WHO IS CLOSELY ASSOCIATED TO ILA LABOR OFFICIALS, MAY HAVE PASSED THIS INFORMATION ALONG TO THE ILA. IN A PARALLELL DEVELOPMENT, MIAMI, AFTER EXCRUTIATING NEGOTIATIONS, HAD ALSO PERSUADED [redacted]

B [redacted] TO DO SO ON SEPTEMBER 9, 1985. HOWEVER, IN VIEW OF THE POTENTIAL DANGERS PRESENTED BY THE HASTINGS DISCLOSURE, MIAMI WARNED THIS INDIVIDUAL NOT TO TAKE ANY FURTHER ACTION ON BEHALF OF THE FBI. IN ESSENCE, THEREFORE, THE COVERT PHASE OF THE ILA CASE WAS TERMINATED ALTHOUGH THOUSANDS OF DOLLARS IN MANPOWER AND FUNDS HAD BEEN EXPENDED, BUT WITH NO SIGNIFICANT LABOR RACKETEERING RELATED INDICTMENTS.

IN ADDITION, EFFORTS TO FURTHER PENETRATE CORRUPTION IN HIALEAH, BY WAY OF THE PHOTON SCENARIO, WERE ALSO CURTAILED. AS

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NOTED EARLIER, THE DISCLOSURE BY HASTINGS OF THE INVESTIGATION TO MAYOR CLARK AND CLARK'S OBVIOUS ASSOCIATION WITH SILVIO CARDOSO, A HIALEAH COUNCILMAN, PERSUADED THE FBI TO CANCEL ITS PLANS TO MOVE PHOTON INTO HIALEAH. THE FBI COULD NOT TAKE THE RISK THAT THE PHOTON SCENARIO HAD NOT BEEN THOROUGHLY DIVULGED TO CLARK AND THEREBY POSSIBLY TO CARDOSO. FURTHER, THE MERE FACT THAT HASTINGS TOLD CLARK THAT GORDON HAD PROBLEMS TENDED TO NEGATE GORDON'S UNWITTING USEFULNESS AS A CONDUIT INTO HIALEAH CORRUPTION INASMUCH AS THAT DISCLOSURE ALONE COULD ALERT CARDOSO TO OUR INVESTIGATIVE STRATEGY. HENCE, ONCE AGAIN, COUNTLESS HOURS OF EFFORT AND FINANCIAL COMMITMENT WERE WAISTED AS A RESULT OF THE HASTINGS' DISCLOSURE.

FINALLY, THE FBI'S INVESTIGATION OF GORDON WAS PREMATURELY CURTAILED BECAUSE WE FOUND OURSELVES PRESSURED INTO "TURNING" GORDON INTO A COOPERATING WITNESS SO THAT THE HASTINGS' LEAK COULD BE RESOLVED. GORDON DID IN FACT FINALLY COOPERATE AND CONSENSUALLY RECORDED CONVERSATIONS WITH MAYOR CLARK AND OTHERS WHICH EVENTUALLY LED TO THE CONCRETE CONFIRMATION OF HASTINGS' CRIMINAL CONDUCT. HOWEVER, THE FBI DID NOT HAVE THE OPPORTUNITY TO COVERTLY EXPLORE MORE FULLY OTHER ALLEGATIONS OF CRIMINAL

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CONDUCT BY GORDON AND HIS ASSOCIATES AS WE HAD TO PREMATURELY CONFRONT GORDON TO SOLICIT HIS COOPERATION. ONCE HE AGREED TO COOPERATE, THE FBI USED GORDON ALMOST ENTIRELY ON THE CLARK/HASTINGS MATTER THEREBY ELIMINATING ANY OPPORTUNITY TO FURTHER DOCUMENT OTHER UNRELATED INSTANCES OF CORRUPTION. UNFORTUNATELY, GORDON DIED BEFORE THE FBI COULD PROCEED WITH ITS OTHER INVESTIGATIONS.

TO SUMMERIZE, THE HASTINGS SEPTEMBER 6, 1985, DISCLOSURE OF THE FBI'S INVESTIGATION TO CLARK RESULTED IN THE FOLLOWING:

1. TERMINATION OF THE COVERT PHASE OF THE ILA LABOR RACKETEERING INVESTIGATION;

2. TERMINATION OF THE COVERT PHASE OF THE HIPRO INVESTIGATION;

3. TERMINATION OF THE COVERT INVESTIGATION OF KEVIN GORDON, ET AL; AND

4. THE ENGENDERING OF A POTENTIALLY DANGEROUS SITUATION TO THE PERSONAL SAFETY OF TWO FBI SOURCES AND FBI UCA.

IN A RELATED SPIN-OFF CASE OF THE ILA INVESTIGATION CAPTIONED BACO; MM 12F-1251, AN FBI UCO WAS INSTITUTED AIMED AT POLICE

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FM MIAMI (195A-22) (PC-1) (P)

TO DIRECTOR, FBI PRIORITY

(ATTN: JOHN KELLY, UNIT CHIEF, OC SECTION)

(HAND CARRY)

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SECTION FOUR OF FOUR

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION (ILA), LOCALS 1416 AND 1922; HOBBS ACT - LABOR; LMRDA; LMRA; NARCOTICS; OO:MM.

NARCOTICS PROTECTION IN THE NORTH BAY VILLAGE POLICE DEPARTMENT. THIS CASE WAS DEVELOPED THROUGH CONTACTS CS HAD WITH STEPHEN NAHAY AND KEVIN GORDON AND THE ILA TITLE III. THE FOCUS OF THE INVESTIGATION CENTERED UPON THE UTILIZATION OF CS AND FBI UCAS FOR MEETINGS WITH CORRUPT POLICE OFFICIALS. CRITICAL MEETINGS OCCURRED AFTER THE HASTINGS DISCLOSURE. HOWEVER, DESPITE THE OBVIOUS RISKS, THE FBI TOOK A CALCULATED CHANCE THAT THIS CASE WAS FAR ENOUGH REMOVED FROM THE DISCLOSURES NOT TO GET BACK TO ARMED POLICE

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OFFICER SUBJECTS. THERE WAS GREAT CONCERN AND CONSIDERABLE DELIBERATION TO TERMINATE THIS CASE INASMUCH AS CS WAS DEALING NOT ONLY WITH GORDON, BUT ALSO WITH AN LCN MEMBER AN LCN ASSOCIATE AND ARMED POLICE OFFICERS WELL CONNECTED TO LCN ELEMENTS, ALL OF WHOM WERE IN A POSITION TO KNOW DETAILS OF THE DISCLOSURE.

FUTURE PROBLEMS:

THE AFOREMENTIONED DISCUSSION HAS FOCUSED ON THE DAMAGE CAUSED BY HASTINGS. BUT WHAT ABOUT THE FUTURE? THE MIAMI DIVISION MUST CONTINUE TO DEAL WITH HASTNGS ON CASES WHICH INVOLVE VERY SENSITIVE CIRCUMSTANCES, I.E., SAFETY OF INFORMANTS AND INTEGRITY OF COVERT OPERATIONS. CURRENTLY, THE FBI'S MIAMI DIVISION HAS AN ONGOING INVESTIGATION OF ILA OFFICIALS AT PORT EVERGLADES, FLORIDA. PEN REGISTERS HAVE RECENTLY BEEN IMPLEMENTED ON UNION OFFICIALS AND POSSIBLE UNDERCOVER SCENARIOS ARE BEING DEVELOPED. A PREVIOUS PEN REGISTER ORDER EXPIRED ON APRIL 4, 1986. HOWEVER, BECAUSE JUDGE HASTINGS IS THE DUTY JUDGE FOR APRIL, 1986, A SUBSTANTIAL RISK OF DISCLOSURE OF THE NEW INVESTIGATION WOULD HAVE BEEN ENCOUNTERED IF THE ORDERS WERE FILED WITH HASTINGS. FORTUA-

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NATELY, HASTINGS WAS NOT AVAILABLE AND THE ORDERS WERE SIGNED BY ANOTHER JUDGE.

IN TWO OTHER CASES, THE MIAMI DIVISION HAS SUBSTANTIALLY COMPLETED PREPARATION OF TITLE III AFFIDAVITS WHICH NAME JOHN "PEANUTS" TRONOLONE, SR., HEAD OF THE CLEVELAND LCN FAMILY [redacted] TRONOLONE, AS EARLIER NOTED STILL CONTROLS LCN ACTIVITIES AT THE PORT OF MIAMI. BECAUSE HASTINGS IS THE APRIL DUTY JUDGE, THE TITLE III PROCESS WILL BE DELAYED OR THE APPLICATIONS SUBMITTED TO ANOTHER JUDGE SO AS TO INSURE HASTINGS DOES NOT SUPERVISE THESE TITLE III.

IT IS OBVIOUS THAT THE DISTRUST OF HASTINGS GENERATED BY HIS MISCONDUCT WILL NOT BE OVERCOME. INDEED, HIS BLATANT DISREGARD FOR THE SAFETY OF OUR SOURCES AND UCA THROUGH DISCLOSURE OF OUR INVESTIGATION CANNOT BE TEMPERED INASMUCH AS THERE IS EVERY REASON TO BELIEVE HE MIGHT VERY WELL COMPROMISE OTHER INVESTIGATIONS AND AGAIN ENDANGER THE LIVES OF FEDERAL AGENTS AND INFORMANTS.

RELATIVE TO THIS MATTER, THE USA'S OFFICE HAS STATED IT WILL NOT PRESENT SENSITIVE MATTERS TO HASTINGS.

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UNFORTUNATELY, BECAUSE HE IS A PRESIDING DISTRICT COURT JUDGE, CIRCUMVENTION OF HIS COURT IS NEITHER A PRACTICAL NOR ETHICAL CONSIDERATION.

BASED UPON THE ABOVE, THE MIAMI DIVISION OF THE FBI STRONGLY RECOMMENDS THAT HASTINGS BE CRIMINALLY PROSECUTED BY DOJ FOR HIS DISCLOSURES TO MAYOR CLARK AND, REGARDLESS OF THE OUTCOME, SUBSEQUENT APPROPRIATE NON-CRIMINAL SANCTIONS BE SOUGHT. MIAMI BELIEVES REFERRAL OF HASTINGS' DISCLOSURE TO A NON=CRIMINAL FORUM WOULD PROLONG ANY RESOLUTION OF THIS MATTER FOR AN UNREASONABLY LONG PERIOD OF TIME. HQ SHOULD BE AWARE THAT CURRENT HEARINGS CONCERNING HASTINGS BEING HELD BEFORE THE ELEVENTH CIRCUIT COURT OF APPEALS WERE INITIATED IN 1982. FBIHQ IS REQUESTED TO CONSIDER ADOPTING MIAMI'S RECOMMENDATIONS AND CONVEY THIS POSITION TO APPROPRIATE DOJ OFFICIALS.

OC SECTION IS REQUESTED TO COORDINATE THIS MATTER WITH SSA DENNIS AIKEN, PUBLIC CORRUPTION UNIT, WCC SECTION.

PIS HAS REQUESTED FBI INTERVIEW HASTINGS RELATIVE TO DISCLOSURE. MIAMI WILL HOLD INTERVIEW IN ABEYANCE UNTIL IT RECEIVES FINAL PROSECUTIVE OPINION RE HASTINGS MATTER.

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RESPONDENT'S EXHIBIT #51

FM MIAMI (195A-22) (P) (PC-1)

DIRECTOR PRIORITY (ATTN: WALTER SCHEUPLEIN, OC, SECTION)

(HAND CARRY SEALED ENVELOPE)

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INTERNATIONAL LONGSHOREMENS ASSOCIATION (ILA); LOCALS 1416 AND 1922; HOBBS ACT-LABOR, LMRDA; LMRA; OO: MM.

REFERENCE MIAMI TELETYPE TO THE BUREAU DATED FEBRUARY 28, 1986 CAPTIONED KEVIN "WAXY" GORDON, ETAL, RICO-CPO; OO:MM, AND TELCALL TO THE BUREAU AND MIAMI DATED FEBRUARY 28, 29, 1986, AND MARCH 1, 1986.

PER YOUR REQUEST, THE FOLLOWING IS BEING SUBMITTED TO DOCUMENT MIAMI'S REQUEST FOR BUREAU AUTHORIZATION TO CONSENSUALLY RECORD TELEPHONE AND ORAL CONVERSATIONS BETWEEN STEPHEN P. CLARK, MAYOR, DADE COUNTY FLORIDA, AND ALCEE HASTINGS, FEDERAL DISTRICT COURT JUDGE, SOUTHERN DISTRICT OF FLORIDA.

AS THE BUREAU IS AWARE, CLARK WAS INTERVIEWED ON FEBRUARY 28,

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1986, BY FBI AGENTS IN MIAMI AND STATED HASTINGS TOLD HIM TO "STAY AWAY FROM KEVIN GORDON BECAUSE HE IS HOT". DURING THE COURSE OF THE INTERVIEW, CLARK STATED THAT HE KNEW THAT HE WAS IN THE MIDDLE OF THIS INVESTIGATION AND SAID "I GUESS I WILL HAVE TO WIRE UP". BASED UPON THIS REPRESENTATION BY CLARK AND ADDITIONAL FACTORS EMERGING FROM CLARK'S INTERVIEW, MIAMI INTENDS TO RECONTACT CLARK AND SEEK HIS CONSENT TO CONSENSUALLY MONITOR CONVERSATIONS BETWEEN HIMSELF AND HASTINGS IN THE EXPECTATION OF DOCUMENTING HASTINGS' ROLE IN LEAK OF TITLE III INFORMATION RELATIVE TO CAPTIONED INVESTIGATION. HOWEVER, MIAMI BELIEVES IT WOULD BE IN STRONGER POSITION TO SOLICIT CLARK'S COOPERATION IF IT ALREADY HAD BUREAU APPROVAL TO CONSENSUALLY MONITOR CONVERSATIONS.

MIAMI BELIEVES THAT IF CLARK AGREES TO CONSENSUAL MONITORINGS, TIME MAYBE OF THE ESSENCE TO PROCEED TO THE ANTICIPATED SCENARIO OUTLINED BELOW:

MIAMI CANNOT AT THIS TIME ELABORATE ON A PLAN OR SCENARIO WITHOUT FIRST RECONTACTING CLARK. HOWEVER, MIAMI ANTICIPATES THAT THE BEST SCENARIO WILL INVOLVE CLARK MEETING HASTINGS IN AND APPARENTLY ACCIDENTIAL SETTING SUCH AS AT DINNER, A COMMUNITY

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☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE THREE MM (195A-22) UNCLAS EFTO

ORIENTED MEETING, OR IN A PUBLIC PLACE. THIS TYPE OF CHANCE ENCOUNTER WOULD MINIMIZE SUSPICISIONS HASTINGS MAY HAVE OF CLARK AND ENABLE CLARK TO ASSUME A MORE NATURAL ROLE AS A PUBLIC OFFICIAL. MIAMI WOULD INSTRUCT CLARK TO MERELY THANK HASTINGS FOR THE WARNING HE GAVE CLARK INASMUCH AS CLARK WOULD TELL HASTINGS THAT HE IN FACT LEARNED THAT THERE WAS A FBI INVESTIGATION OF GORDON. ANY ACKNOWLEDGEMENT BY HASTINGS WOULD CONFIRM CLARK'S POTENTIAL TESTIMONY AGAINST HASTINGS. OF-COURSE, IF THE OPPORTUNITY ARISES CLARK WOULD BE INSTRUCTED TO AUGMENT THE CONVERSATION TO INCLUDE OTHER SPECIFIC DETAILS OF THE HASTINGS LEAK.

IN ORDER TO CONTROL A CLARK/HASTINGS MEETING, MIAMI WILL ESTABLISH PERIODIC SURVEILLANCES OF HASTINGS. MIAMI IS FULLY AWARE OF THE PITFALLS IN PURSUING THE AFOREMENTIONED SCENARION. THERE IS A DISTINCT POSSIBILITY HASTINGS MAY LEARN OF THE FEBRUARY 28, 1986, FBI INTERVIEWS OF CLARK AND OTHER POTENTIAL SUBJECTS EITHER FROM THE SUBJECTS DIRECTLY OR THROUGH STREET TALK, AND THEREBY CLEAN HIMSELF IN ANY MONITORED CONVERSATIONS. HENCE, THE LONGER MIAMI DELAYS SETTING IN MOTION THE PROPOSED SCENARIO, THE

5_

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

TRANSMIT VIA:
☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
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Date _____

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MORE DIFFICULT IT WILL BECOME TO RESOLVE THIS MATTER SUCCESSFULLY. NOTING THE PITFALLS, MIAMI ALSO CONCURS IN THE USE OF POLYGRAPH EXAMINATION, HOWEVER, A POST MEETING EXAMINATION MAY NOT BE NECESSARY IF HASTINGS IN FACT INCRIMINATES HIMSELF.

ON THE OTHER HAND, MIAMI DOES NOT BELIEVE LOCKING CLARK INTO HIS TESTIMONY BY WAY OF GRAND JURY APPEARANCE PRIOR TO CONSENSUAL MONITORING HIS CONVERSATIONS IS NECESSARY FOR THE FOLLOWING REASONS:

1. CLARK'S PRESENCE AT ANY GRAND JURY INCREASES THE CHANCES OF LEAKS.

2. THE DEPARTMENT OF JUSTICE (DOJ) HAS ALREAD AUTHORIZED THE PROSECUTION OF CLARK UNDER TITLE 18, U.S.C., SECTION 1001. CLARK'S TESTIMONY BEFORE A FGJ COULD SIGNIFICANTLY IMPEDE PROSPECTS OF SUCH PROSECUTION THEREBY ELIMINATING A BARGAINING TOOL IN SEEKING CLARK'S COOPERATION.

3. CLARK IS, IN EFFECT, ALREADY LOCKED INTO HIS TESTIMONY THROUGH HIS OWN WORDS DULY RECORDED IN CONVERSATIONS WITH KEVIN GORDON. MIAMI HAS NO REASON TO BELIEVE THAT CLARK HAS ANY FURTHER KNOWLEDGE OF WHAT HASTINGS TOLD HIM OF THE INVESTIGATION THAT WE

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

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☐ Facsimile
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Date _____

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DO NOT ALREADY KNOW THROUGH CONSENSUAL RECORDED CONVERSATIONS BETWEEN KEVIN GORDON AND CLARK AND PETER FERGUSON.

4. DOJ IS OPPOSED TO COMMITING CLARK'S TESTIMONY TO FGJ RECORD AT THIS TIME BECAUSE AS MENTIONED EARLY IT COULD IMPEDE SECTION 1001 PROSECUTION. FURTHER, DOJ WANTS CLARK FULLY DEBRIEFED THROUGH MORE EXTENSIVE INTERVIEWS SO THAT FUTURE TRIAL TESTIMONY WILL NOT BE FLAWED OR CONTRACTED BY INCONSISTENCIES DERIVED FROM EARLY FGJ TESTIMONY.

MIAMI PLANS TO REINTERVIEW CLARK ON MONDAY, MARCH 3, 1986, AT WHICH TIME CLARK'S COOPERATION WILL BE SOLICITED. FOR THE INFORMATION OF THE BUREAU, DOJ CONCURS IN THE USE OF CONSENSUAL MONITORING OF CONVERSATIONS BETWEEN CLARK AND HASTINGS AND HAS INDICATED THAT THERE ARE NO ENTRAPMENT ISSUES. DOJ ALSO CONCURS IN SURVEILLANCES OF HASTINGS. PURSUANT TO TELEPHONE CONVERSATION BETWEEN SAC, MIAMI, AND ASSISTANT DIRECTOR FLOYD CLARKE, MIAMI WILL PROCEED WITH INTERVIEW OF MAYOR CLARK, ATTEMPT TO SOLICIT HIS COOPERATION, AND INSIST ON COMPLETE TRUTHFULNESS OF MAYOR CLARK ALONG WITH POLYGRAPH EXAMINATION PRIOR TO PLANNING ANY MEETING WITH HASTINGS. IF MIAMI IS SATISFIED WITH LEVEL OF COOPERATION

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

6-26-82

FBI: 249

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☐ _____

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date _____

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ON PART OF MAYOR CLARK AND HE IS WILLING TO CONSENSUALLY MONITOR CONVERSATIONS WITH HASTINGS, PRIOR TELEPHONIC APPROVAL WILL BE SOUGHT FROM THE BUREAU BEFORE PROCEEDING FURTHER WITH CLARK/HASTINGS MEETING.

BUREAU WILL BE KEPT ADVISED OF FURTHER DEVELOPMENTS.

BT

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

SC #42

BM:pi

RESPONDENT'S EXHIBIT #53

I, Kevin Gordon, state as follows:

1. I understand that the United States Department of Justice, including the Federal Bureau of Investigation, and other federal law enforcement agencies are investigating possible violations of federal criminal laws in a number of different areas, including but not limited to: political corruption, narcotics trafficking, and labor racketeering.

2. I acknowledge that I am involved in a number of aspects of the investigation, and that there is evidence that tends to link me to the commission of crimes. I understand that I will be charged with at least one federal criminal violation, which will carry a possible penalty of years in prison and thousands of dollars in fines. However, I understand that as long as I answer all questions truthfully and completely and comply with all terms of this agreement, I will not be charged with violations of the Controlled Substances Act, 21 U.S.C. §§801 et. seq.

3. It is my wish to cooperate with the government, and to tell the government what I know about the matters under investigation. I understand that this will likely involve my testifying, truthfully and completely, before federal grand juries or at trials. This is entirely voluntary on my part. Other than that agreement mentioned in paragraph two above, no promises or threats or inducements of any kind have been made to me in connection with my decision to speak with the government at this

time. No pressure or coercion of any kind has been used against me to obtain my cooperation. I understand that I have not been granted any form of immunity.

4. I agree that I will cooperate completely, candidly, and truthfully with all investigators and attorneys of the United States. I agree and understand that in the event that I fail to comply with any of provisions of this agreement, make any false statements to investigators or attorneys of the United States, or make any false statements or commit any perjury before any grand jury or before any trial court, the United States will have the right to terminate this agreement, and prosecute me for any and all offenses that can be brought against me in the Southern District of Florida, or in any other District, or in any state, and further, the United States will have the right to use against me any sworn or unsworn statements given by me and any information, materials, documents, or objects provided by me to the United States pursuant to this agreement.

5. I understand that I have certain rights:

a. I understand that I have the right to remain silent. I understand that I have the right not to meet with the government representatives at all, and have the right to refuse to answer any of their questions. I understand that even if subpoenaed to testify before the grand jury, I have the right to refuse to answer any question if a truthful answer to the question would tend to incriminate me.

b. I understand that anything I say can be used against me, including in a criminal prosecution against me.

c. I understand that I have the right to be represented by an attorney, either retained by me or appointed for me if I cannot afford an attorney. I understand that if I cannot afford an attorney, I have the right to go before a United States Magistrate and have an attorney appointed to represent me.

d. I understand that I have the right to ask an attorney representing me for advice before answering any question, making any statement or signing this agreement. I understand that I have the right to have an attorney representing me present during any questioning by the government.

e. I understand that I have the right to stop answering questions or making a statement at any time. I understand that the fact that I may have made some statements already does not prevent me from refusing to answer additional questions.

6. I have chosen to cooperate and talk with the government at this time. I do not wish to have an attorney who represents me present when I sign this agreement, while I am questioned by agents of the government, or when I make statements to these same agents. I have made this decision after careful thought and am comfortable with my decision to proceed with the questioning.

7. I have read this statement of my rights, and I understand what my rights are. Being fully mindful of those rights, I now wish to make a statement and answer questions by the government. I do so voluntarily and of my own accord.

Signed: Kevin W. Gordon
KEVIN GORDON

Date: Nov 20, 1985.

Witnesses: SA Timothy C Dunfee, FBI, Miami, Fla. 11/20/85
SA Christ T. Mazzo, FBI, Miami, Fla 11/20/85

Date: 11/20/85

(REV. 3-10-82)

RESPONDENT'S EXHIBIT #55

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/28/86

Special Agents (SAs) R. GUY NOTTOLI and DENNIS J. LACINA arrived at the residence of PETER J. FERGUSON, 891 Harbor Drive, Key Biscayne, Florida, at approximately 6:50 a.m. A white female answered the door and was advised by SA NOTTOLI that he was with the FEDERAL BUREAU OF INVESTIGATION (FBI) and desired to talk to PETER FERGUSON. Approximately five minutes later, Mr. FERGUSON appeared at the door and SA NOTTOLI identified himself and Agent LACINA as being Agents of the FBI. It was further explained that the Agents wanted to talk to him concerning allegations of political corruption regarding KEVIN WAXY GORDON. Mr. FERGUSON invited SAs NOTTOLI and LACINA into his residence and stated that WAXY GORDON had passed away several days ago.

SA LACINA identified himself to Mr. FERGUSON as a SA for the FBI at this time. Mr. FERGUSON was told that the FBI was investigating allegations of political corruption concerning KEVIN WAXY GORDON prior to and at the time of his death. SA NOTTOLI stated the following statement to Mr. FERGUSON:

"KEVIN GORDON told an individual by the name of JOHNNY RIVERO that he (GORDON) could handle any zoning for a price. GORDON told RIVERO thats the way things are done. GORDON also told an FBI undercover Agent that it would cost $25,000 to handle any zoning problems. The FBI undercover agent requested GORDON to locate a piece of property in Hialeah which GORDON was attempting to up until the time of his death."

At this time SA NOTTOLI informed Mr. FERGUSON that he was not a target of this or any investigation currently being conducted by the FBI. SA NOTTOLI then informed Mr. FERGUSON, "however, during the investigation KEVIN GORDON told FBI undercover personnel that he was aware of a Federal investigation. GORDON told undercover personnel that he was informed about this investigation by Mayor STEVE CLARK. The fact that you may be aware of this is not itself a Federal crime. We would, however, like to clear up this matter and find out from you if in fact GORDON was telling the undercover people the truth." Mr. FERGUSON stated that he would be glad to answer any questions concerning this.

2/28/86 Key Biscayne, Fla. MM 195A-22-SL-bf-5

Investigation on at File #

SAs R. GUY NOTTOLI &
DENNIS J. LACINA RGN/crd 2/28/86

by Date dictated

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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PETER FERGUSON 2/28/86 2

Continuation of FD-302 of _____ On _____ Page _____

A prepared list of questions was asked PETER J. FERGUSON by SA R. GUY NOTTOLI and LACINA. FERGUSON's responses are set forth below:

1. Do you know Kevin Waxy Gordon? Explain relationship i.e., how long, previous dealings, when was the last time you spoke with him.

Mr. FERGUSON stated that he initially met KEVIN GORDON about 15 years ago at a South Florida Planning Council meeting. FERGUSON stated that these meetings were held at the STUDIO RESTAURANT on Coral Way in Miami, Florida. FERGUSON stated that his understanding was KEVIN was with the City of Miami Zoning and retired recently. Subsequently he became a building inspector for the City of Surfside, Florida. FERGUSON stated that he saw KEVIN GORDON approximately five weeks before his death. At that time they met at a retirement party for DICK WHIPPLE, which was held at the DUPONT PLAZA. FERGUSON, at this point, asked where JOHNNY RIVERO was from and was advised by SA NOTTOLI that he was from Mississippi. FERGUSON voluntarily stated that he understood that KEVIN GORDON was working with JOHNNY RIVERO, who he thought was either from Louisiana or Mississippi.

2. Do you know an individual by the name of Johnny Rivero?

FERGUSON stated that he met JOHNNY RIVERO with KEVIN GORDON and had seen RIVERO approximately three or four times over approximately a one year period. FERGUSON stated that he had always met RIVERO with GORDON and never met him alone. FERGUSON was specifically asked if he had any conversations with RIVERO outside the presence of GORDON. FERGUSON stated that he had not. FERGUSON stated that he saw both GORDON and RIVERO always at the MIAMI OUTBOARD CLUB (MOC), Watson Island, Florida.

3. Do you recall making a telephone call to Kevin Gordon on the morning of September 6, 1985, telling Gordon that Mayor Clark wanted to meet with Gordon at the Miami Outboard Club later that day?

FERGUSON stated that "could have made it, but don't remember. Made a lot of calls to KEVIN GORDON, maybe one or two calls concerning DICK WHIPPLE's retirement party." FERGUSON further elaborated on this question by stating "Not to my knowledge did I call KEVIN GORDON concerning KEVIN meeting the mayor." FERGUSON went on to state that GORDON was an alcoholic in bad shape and that was the reason for his recent demise.

4. Gordon told Rivero he went to the Miami OutBoard Club as a result of your call. FERGUSON stated at this point "Never happened." SA NOTTOLI further advised FERGUSON, "GORDON also told Rivero that on September 6, 1985, at the Miami Outboard Club, Clark, in your presence asked Gordon whether he was doing any zoning deal in Hialeah with a councilman. Did this conversation take place?" FERGUSON responded "No knowledge of conversation ever taking place on September 6, 1985, with Mayor CLARK and KEVIN GORDON concerning zoning in Hialeah.

5. Waxy later told Rivero that on September 6, 1985, at the same meeting at the Miami Outboard Club, Clark, in your presence told Gordon to back away from the Hialeah deal because there's a problem out there. Did Clark say that?

FERGUSON replied "WAXY is full of shit. CLARK never told GORDON to back away from any Hialeah deal."

6. Gordon told Rivero that on September 6, 1985, at the same meeting at the Miami Outboard Club, Clark, in your presence asked Gordon whether he was doing anything in Hialeah. Gordon told Rivero that the reason Clark asked him that question was because Clark's name, your name and a councilman's name was being used in connection with his (Gordon's) zoning deal in Hialeah. Did Clark make this statement?

FERGUSON replied "Bullshit." "GORDON never met with CLARK at the MOC and CLARK never said that GORDON was doing anything in Hialeah."

7. Kevin also told Rivero at the same meeting on September 6, 1985, at the Miami Outboard Club that he told Clark in your presence, that he wasn't doing anything in Hialeah, Florida, at which time Clark replied "Forewarned is forearmed." Did Clark say this?

FERGUSON replied "Not to my knowledge, CLARK never said to GORDON "Forewarned is forearmed."

8. Gordon told another individual that he ran into you, Stu Morrison and Clark at the Miami Outboard Club on January 17, 1986. Gordon told this person that Clark received information that Gordon was involved in some zoning in Hialeah and that Clark was warned to walk away from it. Gordon further said Clark told him in your presence that Gordon has problems in Hialeah. Did Clark make these statements?

FERGUSON replied "CLARK never made such a statement on January 17, 1986, and I find it impossible that STEVE would have knowledge of what was going on in Hialeah."

9. Rivero told the FBI that on October 11, 1985, he was at the Miami Outboard Club. He stated you, Clark and Stu Morrison came in and sat down. A few minutes later, you and Morrison took Rivero to another part of the building and a discussion was held regarding an amusement operation in which Gordon was assisting Rivero in. During this meeting Rivero told you and Morrison about the conversation Clark allegedly had with Gordon about the information he received. Both you and Morrison denied that any such conversation between Clark and Gordon ever took place. Did you and Morrison ever have such a conversation with Rivero?

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Continuation of FD-302 of PETER J. FERGUSON On 2/28/86 Page 5

FERGUSON replied "Not to my knowledge did any such conversation ever take place." FERGUSON further advised "RIVERO is full of shit, the only thing I know for sure about RIVERO is that he is a good pool shooter and that he could drink."

10. Gordon and Rivero stated Clark, in your presence furnished the name of Silvio Cardoso as the contact person in Hialeah if they encountered any zoning problems. Did Clark give them Cardoso's name.

FERGUSON replied "No way CLARK would give the name of SILVIO CARDOSO to contact about zoning problems." At this point FERGUSON wrote the name SILVIO CARDOSO and stated "I'm going to have to check this guy out."

11. Did anyone tell you that the FBI was investigating Kevin Gordon?

FERGUSON replied "Nobody ever told me that the FBI was investigating KEVIN CORDON. Maybe the AAA, but not the FBI."

12. Did anyone ever tell you that there were wiretaps on the telephones used by Gordon?

FERGUSON replied "No one ever told me or anyone else there was a wire tap on KEVIN GORDON's phone."

13. The FBI found out from an individual that you and Gordon had a conversation in the restroom of the Miami Outboard Club on December 18, 1985. You and Gordon allegedly spoke about many things including Johnny Rivero being a DEA Agent. Did you have such a meeting and did you make this statement?

FERGUSON replies "A meeting with KEVIN GORDON and me never occurred in the restroom of the MOC on December 18, 1985." SA NOTTOLI stated based on that answer, you never made such a statement. FERGUSON replied "that's correct, no conversation took place."

14. Again, referring to the conversation of December 12, 1985, did you and Gordon discuss the reason why there was an investigation of Gordon?

FERGUSON replied "No meeting took place. RIVERO represents some principals on some property and KEVIN GORDON was a broker. The second time I met RIVERO, I thought he was a drug dealer. I'd remember if these conversations took place."

15. Did you ever hear from any conversation that you had with STEVE CLARK that he (CLARK) received information about an FBI investigation from United States District Judge ALCEE HASTINGS?

FERGUSON replied "Never received word from STEVE CLARK that CLARK had received information about an FBI investigation by United States District Judge (USDJ) ALCEE HASTINGS." FERGUSON further advised "That he met ALCEE HASTINGS only once in the KNIGHT CENTER in 1984, when Mayor CLARK was running for an office." FERGUSON added "CLARK never mentioned to me about this ever taking place."

16. Was the name ALCEE HASTINGS ever mentioned to you by GORDON, CLARK or MORRISON or anyone else concerning an FBI investigation?

FERGUSON added "No way was ALCEE HASTINGS ever mentioned by me, GORDON, CLARK or MORRISON." FERGUSON was asked if he was ever at a M.A.P. meeting? FERGUSON replied "Not with STEVE CLARK at any M.A.P." FERGUSON further stated that he never goes to any M.A.P., council meetings or zoning meetings.

FERGUSON stated that he has known STEVE CLARK for about twenty-seven years, but didn't elaborate when questioned on how he met him.

At this point, SA NOTTOLI informed FERGUSON of Title 18, Section 1001, United States Code, which stated that it is a Federal crime to furnish false information to the FBI concerning an official investigation. FERGUSON stated "I haven't lied to any question." SA NOTTOLI stated to FERGUSON, "I know you're lying, and you know you are lying." SA NOTTOLI further stated to

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PETER J. FERGUSON 2/28/86 7

Continuation of FD-302 of _____ On _____ Page _____

FERGUSON "Remember when I came in here I told you, you are not the target of the investigation, all we want is the truth concerning this matter." FERGUSON replied "I haven't lied to you concerning this."

The following is a physical description of PETER JOHN FERGUSON obtained through observation and interview:

Sex:	Male
Race:	White
Date of Birth:	August 1, 1927
Place of Birth:	Shenandoah, Pennsylvania
Martial Status:	Married
Wife:	MARY JANE
Children (4):	PETER age 29, DANNY and EDDIE ages 28, JIMMY age 25
Residence:	891 Harbor Drive, Key Biscayne, Florida
Home telephone:	361-2236
Beeper number:	952-4452
Office phone:	371-7678 extension 5299
Place of Employment:	FISCAL OPERATIONS, 1015 North American Way, Suite 101, Miami, Florida
Employed:	Approximately 3 years
Boss:	FRED DARDEN, President and JOHN TIDES, Vice-President

FERGUSON stated that FISCAL OPERATION is owned by a California company owning three gantry cranes at the Port of Miami.

Education:	UNVIERSITY OF MIAMI, 1950 - B.D.A. major in economics
Social Security Account Number:	[redacted]
Previously employed:	CHASE FEDERAL and CITICORP CORPORATION
Military Status:	United States Army Honorable discharge 1944

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PETER J. FERGUSON 2/28/86 8

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Rank obtained:	Private First Class
Previous arrest:	Admitted to a Driving while under the Influence (DWI).

RESPONDENT'S EXHIBIT #56

Chief Judge
James Lawrence King

James Lawrence King, a native of Miami, attended the University of Florida where he received both his undergraduate and law degrees.

After graduation he served in the Judge Advocate General's Department of the United States Air Force and returned in 1955 to practice law on Miami Beach with the law firm of Sibley and Davis.

In 1964 he was appointed Circuit Judge for the Eleventh Judicial Circuit of Florida. While serving in this capacity, he was temporarily assigned as a judge of the Supreme Court of Florida and the Second, Third, and Fourth District Courts of Appeal of Florida.

He was a member of the Florida Board of Control in 1963 when the funding for the University of Florida Law Center Association was approved. He is a past president of the Junior Bar Section of The Florida Bar and the Fifth Circuit District Judges Association.

Since his appointment as a United States District Judge for the Southern District of Florida in 1970, he has been appointed by the Chief Justice as a member of several committees of the Judicial Conference of the United States, including the Judicial Ethics Committee, the Committee on Bankruptcy Legislation, two committees considering standards for admission to federal practice (Devitt Committee and King Committee), and the Committee on Administrative Office of United States Courts.

On a number of occasions he has been specially designated to serve as a judge of the United States Court of Appeals for the

Fifth and Eleventh Circuits.

He recently completed a three-year term on the Judicial Council of the United States and has been Chief Judge of the Southern District of Florida for the past five years.

RESPONDENT'S EXHIBIT #57

THE SOUTHERN DISTRICT OF FLORIDA

Chief Judge
James Lawrence King

In South Florida, where buildings are demolished every thirty or forty years for obsolescence, an institution that has survived for 168 years is indeed remarkable. This is particularly true when one considers the fact that the institution, the Southern District of Florida, has been at the center of legal, social, and economic controversies throughout the decades of its existence. The decisions of this court, and its forty-one judges,[1] have profoundly affected the lives, liberty, and property of its citizens. Sprawling within the massive geographic area[2] encompassed within

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[1]Territorial Judges: William P. Duval, Eligius Fromentin, Joseph L. Smith, William W. Blair, Augustus B. Woodward, Thomas Randall, James Webb, Richard C. Allen, William Marvin, Samuel W. Carmack.

District Judges: John A. Bingham, T. Jefferson Boynton, John M. McKinney, James W. Locke, John M. Cheney, Rhydon M. Call, Lake Jones, Alexander Akerman, Halsted L. Ritter, Louie W. Strum, John W. Holland, William J. Barker, Curtis L. Waller, George W. Whitehurst, Bryan Simpson, Emett C. Choate, Joseph P. Lieb, William A. McRae, Jr., David W. Dyer, George C. Young, Charles B. Fulton, William O. Mehrtens, C. Clyde Atkins, Ted Cabot, Joe Eaton, Peter T. Fay, James Lawrence King, Norman C. Roettger, Jr., Sidney M. Aronovitz, William M. Hoeveler, Jose A. Gonzalez, Jr., James C. Paine, James W. Kehoe, Eugene P. Spellman, Edward B. Davis, Alcee L. Hastings, Lenore C. Nesbitt, Stanley Marcus, Thomas E. Scott, William J. Zloch, Kenneth L. Ryskamp.

[2] Florida was purchased from Spain on February 22, 1819, and Congress provided for two Territorial Superior Courts. The Superior Court for East Florida held court at St. Augustine and the Superior Court for West Florida held court at Pensacola. In 1847, after Florida became a state two years earlier, Congress created a Northern and Southern U.S. District Court of Florida. The Southern District encompassed all of that area lying south of a line drawn from east to west, north of Charlotte Harbor. In 1962

its borders, the district covers the Southern half of the state from Fort Pierce to Naples to Key West and back. It has grown from a few widely scattered sleepy Southern towns to a modern-day massive metropolitan megalopolis.

I. TWO DECADES OF EXPLOSIVE GROWTH

It is with some trepidation that I describe the court in 1969 as small, for in so doing I may be misinterpreted as being critical of the people who labored here to uphold the cherished traditions of this institution in those days. Nothing could be further from my mind. By "small," I refer to the fact that the court shared the post office facilities in Miami[3] and Key West[4] with five courtrooms and chambers in Miami and one in Key West. Miami was the only place with resident judges where court was held on a regular basis. The five active judges would travel to other places in the district to hold court when they felt it was needed.

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the Middle District of Florida was created. In 1989 Collier, Hendry, and Glades counties were shifted by Congress from the Southern District to the Middle District of Florida. For many years the headquarters of the court was Key West, Florida. This was later shifted to Jacksonville, Florida, where it remained until the creation of the Middle District in 1962. The present headquarters of the court is Miami, Florida.

[3] Dedicated June 30, 1933. A U.S. Courthouse two blocks south of the present courthouse at Miami was used from 1914 until 1933.

[4] Dedicated in 1933. The same set of architectural plans was used for the Key West, Miami, and Fort Myers courthouses in the same period of time. Fort Myers was part of the Southern District until 1962.

In the late nineteen sixties, Judge William O. Mehrtens traveled to Key West for one-week settings every two or three months. This activity increased at a subsequent point in his career. Judge Emett Choate, and later Chief Judge Charles B. Fulton, traveled to West Palm Beach for two weeks every six months. Occasional trips were made to Fort Pierce by Judge C. Clyde Atkins.

A. Take the Court to the People

The judges of this court are committed, as a policy of the court, to try the cases where they arise. This commitment permits jurors, parties, witnesses, and lawyers to try cases locally without having to travel great distances to the courthouse in Miami. Our district stretches over 285 miles from Fort Pierce to Key West. In the past two decades, United States courthouses have been constructed at West Palm Beach, Fort Lauderdale, and substantially expanded at Key West. In addition to the eleven active judges headquartered at Miami, three judges reside in Fort Lauderdale, one in West Palm Beach, and a proposal is pending for an additional judge at West Palm Beach. Court is held all year long by the resident judges in those cities. Key West and Fort Pierce are still serviced by active judges who travel to those cities and hold court. Last year thirty-three trials were held in Key West and six in Fort Pierce.

B. Construction of Courthouses, Courtrooms and Court Facilities

In 1975 the Paul G. Rogers Federal Building, containing two courtrooms, was completed in West Palm Beach. Construction on an

additional magistrate courtroom and chambers has just been finished this year. Architectural plans have been prepared, and funds requested, for two district judge courtrooms and chambers on the second floor, bringing the total to six. In 1979 the United States Courthouse at Fort Lauderdale was constructed containing four courtrooms and judges' chambers. Between 1972 and 1979, trials were held in the old City Hall. Plans are under consideration for the construction of either a new United States Courthouse at Fort Lauderdale, Florida, or a substantial enlargement of the present overcrowded facility.

In 1983 the eleven-story, $21 million courts building was added to the beautiful old courthouse at Miami, thus creating Federal Courthouse Square. A year from now, in October of 1990, the City of Miami, in cooperation with G.S.A., will commence construction on a new nine-story building in the Federal Courthouse Square complex. This building will contain 204,094 square feet of courtroom and office space for the U.S. District Court, U.S. Court of Appeals, U.S. Attorney, U.S. Marshal, Federal Public Defender, and related federal agencies. It will be connected by a bridge walkway over Northeast 4th Street to the existing eleven-story tower.

In November 1987 a new courtroom and judges' chambers was dedicated at the United States Courthouse, Key West, increasing the capacity from the original one courtroom and chambers to three courtrooms.

C. A Court In Transition

The transformation of this court from a "small federal court" in 1969 to one of the busiest major metropolitan courts in America in 1989 is reflected by the following chart delineating the explosive growth of South Florida during these two decades.

	1969	1989
Bar Membership	4,905	16,355
District Judges	5	15
Bankruptcy Judges	0	3[5]
Magistrates	0	7[6]
U.S. Attorney	15	152
Public Defender	0	22
Court Executive	0	22
Clerk of Court	17	102
Bankruptcy Clerk	5	35
Probation	9	193[7]
U.S. Marshal	17	90[8]
Security Officers	0	39
Pretrial Services	0	29

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[5] Chief Bankruptcy Judge Thomas C. Britton and his colleagues, Sidney Weaver and A. Jay Cristol, handled 1,841 petitions and 347 Chapter 11 filings per judge last year. By contrast, the six bankruptcy judges in the Southern District of New York handled 601 petitions and 70 Chapter 11 cases.

[6] Chief Magistrate Charlene H. Sorrentino, Magistrates Peter R. Palermo, Samuel J. Smargon, William C. Turnoff, Lurana S. Snow, Linnea R. Johnson, Ann E. Vitunac, part-time Magistrates Hugh J. Morgan and J. Michael Brennan presently serve.

[7] This district has the largest probation office in the United States.

[8] This district is second only to the District of Columbia in deputy marshal strength because of the extraordinarily heavy volume of criminal cases and prisoner processing. Currently approximately 75 prisoners are transported 60 miles, three times a day, from the Metropolitan Correctional Center to court.

Court Reporters	5	17	
Pages of Transcripts	unknown	224,650[9]	
Grand Juries	1	35	
Criminal Filings (cases)	536	1,515	
Civil Filings (cases)	1,668	4,515	
Total Trials	55	806	
Trials Per Judge	11	53	
Trials More Than 20 Days	1	(25 days) 9	(458 days)
Jurors	2,212	27,199	
New Citizens	3,362	14,247	
Budget	unknown[10]	$ 29,660,240	

II. THE PHILOSOPHY OF THE COURT

Lawyers, litigants, jurors, and citizens in the tens of thousands each year, walk up the steps to enter the U.S. Courthouse in the heart of downtown Miami. As they ascend the steps, some pause to read the statement inscribed over the entranceway:

> This court was created by Congress the year after Florida was acquired from Spain. President James Monroe appointed the first federal judges on May 19, 1821. Over the decades that followed these Individuals have dedicated their lives to serving you - the people - with fairness and justice as God gave them the wisdom to perceive their duty.

In these words we find the purpose of the court.

But what is justice, and how does the court as an institution provide fairness and justice to its people? Any person, regardless of background, belief or status, has a constitutionally guaranteed right to the highest quality of justice from this, or any court.

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[9] This was the third highest transcript-producing court in the nation, second only to Southern District of New York with 31 court reporters who transcribed 419,672 pages, and the Northern District of Illinois with 23 reporters plus 6 electronic sound operators who generated 294,627 pages.

[10] All budgets were processed in 1969 by the Administrative Office of U.S. Courts.

The judges of this court have dedicated their professional lives to upholding this principle, and the beliefs and expectations it has engendered in the hearts and minds of those who have, or will, look to the court for justice in the redress of perceived wrongs.

But, has the court completely fulfilled its responsibility by providing only a forum where the judges are honest, intelligent, and possessed of good judicial demeanor? We suggest that there is a greater responsibility, for the people have an immutable right to these attributes in every judge, without question.

Should not a judge also have sufficient time to carefully consider his work and possess the dedication and diligence to ensure that cases assigned to him are heard in a timely manner?[11]

Examples of why this spirit of dedication is so vital in the administration of justice is to reflect for a moment on whether it is of any value to a person dying of asbestosis to know that when he finally gets to court he has the finest intellect in America judging his case--if he dies before getting to court? Does it help a widow, raising small children, whose husband has perished in an airplane crash, thousands of immigrants about to be deported who believe they have a claim for asylum, out-of-work employees of a striking labor union, or any of the plethora of other examples that could be suggested, to know that their judge, if and when they get

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[11] The Federal rules of Civil Procedure mandate this in the following language:

"These rules govern the procedure in the United States district courts in all suits of a civil nature . . . . [T]hey shall be construed to secure the just, speedy, and inexpensive determination of every action." Fed. R. Civ. P. 1.

to court, is honest, pleasant, and intelligent--only to realize that their court is so overworked or administrated so poorly that their hope for a prompt resolution of their case is many months or years away?

Whether this spirit of dedication and hard work has achieved the ideal upon which Congress created this court in providing the highest degree of justice to the people of this district, we leave to you, the reader, to decide. It shall be the purpose of this article to state our principles, describe our work, and outline our institutional aspirations.

A. The Litmus Test

No one has ever attempted to define the standards by which the excellence of a United States District Court may be judged. A great deal of work performed by courts is so intangible as to defy quantitative analysis and precise definition. What, for example, makes the written opinion of a judge excellent, good, or average? Is the quality of justice achieved in the ultimate resolution of a given case better because the case was tried in one week instead of two weeks, or conversely? Does it matter at all how long the case took to try? The correct answer to these queries is neither absolute nor simple.

Some things however, are counted, catalogued, and published by the Administrative Office of United States Courts, and thus we assume that, at least in the minds of some, a relevance to a basis for judging the effectiveness of a court exists, based on this data. We refer, of course, to the number of three-year-old cases

a court has pending; the number of items listed on the sixty-day list of matters under advisement; the number of death cases pending and unresolved for more than six months; hours in court; number of trials; and number of felony defendants annually appearing before the court for administration under the Speedy Trial Act. In addition to the foregoing, our court suggests that any generalized litmus test would include evaluation of the court's relations with the bar, bar evaluation of the bench, contribution to the administration of justice through legal writing, lecturing, and work on committees of the Judicial Conference, the American Bar Association, state and local bar associations, and participation in training of law students, lawyers, and judges.

III. THE WORK OF THE COURT

A. Civil Cases

The civil docket in the Southern District of Florida is current. Civil cases are being tried without delay, and more effectively than at any time since 1972 through 1977 when this court ranked first in the nation in the trial of civil cases.[12] In the year ending June 30, 1988,[13] this district tried 325 civil (and 481 criminal) trials.

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[12]Fed. Ct. Management Statistics. Adm. Office U.S. Cts. 1972-1977.

[13]The most recent published statistics from the Administrative Office of U.S. Courts are a year old. They are published once a year for the twelve-month period ending June 30, 1988.

B. Three-Year-Old Civil Cases[14]

Well-established policy of the Judicial Conference of the United States, as embodied in Rule 1, Fed. R. Civ. P., mandates trial of all federal cases within three years. This means that all cases filed before June 30, 1986, should be tried by June 30, 1989.

Only 109 three-year-old cases[15] are pending in the Southern District today of the 4,470 civil cases filed in the preceding year. All except the 109 have been completed by trial, judicial ruling, or settlement. The median time was seven months, from filing to disposition, lower than the eight-month national average. In the past five years, the number of pending three-year-old cases has been reduced from 327 to 109.

By contrast, the Southern District of New York has 1,232 cases that are three years or older, Illinois Northern has 801, and California Central has 930.[16] The Northern and Middle Districts of Florida have, as you would expect, excellent records with only 57 and 138 cases respectively.

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[14]The 94 U.S. District Courts report three-year-old-case data to the Administrative Office of U.S. Courts in July of each year. This data is published a few months later. Quarterly summaries are published in September, December, and March.

[15]Report dated July 1, 1989, Clerk of Court, Southern District of Florida, to Administrative Office of U.S. Courts.

[16] Report of July 14, 1989, the Administrative Office of U.S. Courts.

C. Myth v. Reality

The perception of reality often becomes reality itself. A myth becomes established as truth if it is genuinely perceived by enough individuals to be the truth. How many of you have heard someone say, "Don't file a civil case in the Southern District of Florida or remove one from state court because they are so backlogged with the heaviest criminal caseload in America that they will never be able to reach your case"?

> In reality, the number of three-year-old civil cases pending in the Southern District of Florida is the lowest of any major metropolitan court in America. We have 109 civil cases pending today that are as old as three years, in a court that receives 4,500 civil cases per year.

D. Criminal Cases

The thirty-five grand juries in this district[17] indicted 2,769 people in fiscal year 1988. Approximately 3,374 have been indicted in fiscal year 1989. This resulted in 481 criminal trials in the twelve months ending June 30, 1988,[18] involving 7,480 hours in court, plus an additional 4,000 hours in suppression, evidentiary,

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[17]Nationally, only two districts have more grand juries: New York Southern (50) and New York Eastern (47) in Fiscal Year 1988. These 97 grand juries indicted 2,775 people in New York in Fiscal Year 1988.

[18] Federal Court Management Statistics, Administrative Office of U.S. Courts, 1988.

sentencing, and other hearings.

Civil and Criminal Trials
Completed and Hours in Court
Statistical Reporting Period July 1, 1987 to June 30, 1988

Judges	District	Trials[19] Civ.	Trials[19] Crim.	Total Trials	Hours in Court[20] Civ.	Hours in Court[20] Crim.	Hours Per Judge	Total Defs.
15	FL, S	325	481	806	3,983.5	7,480.0	764.0	3,453
19	PA, E	573	135	708	8,989.5	2,739.5	617.0	768
27	NY, S	494	175	669	8,677.5	8,414.5	633.0	2,234
22	CA, C	384	270	654	6,625.5	3,783.5	473.0	2,236
13	TX, S	275	345	620	3,153.0	2,748.5	454.0	3,307
20	IL, N	336	198	534	5,454.5	4,156.0	480.5	1,425
12	NY, E	239	244	483	3,262.0	5,489.0	729.0	1,814
13	LA, E	396	67	463	4,319.5	679.5	384.5	666
15	MI, E	318	95	413	6,067.0	2,271.5	556.0	1,078
14	NJ	223	99	322	3,465.0	3,068.5	467.0	1,096

This chart clearly shows that the Southern District of Florida tried more cases, processed more felony defendants, and spent more hours in court last year than any metropolitan federal court, regardless of the size of the court or the number of judges. For example, the Southern District of New York with 27 judges tried fewer cases, disposed of fewer felony defendants, and spent fewer hours in court per judge, than did this court with 15 judges.

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[19]Annual Report of the Director of the Administrative Office of the United States Courts, 1988, C-7 Table.

[20]Administrative Office of the United States Courts, Trials Statistical Reporting System Quarterly Total Hours Activity Report for: 12-month Period Ending June 30, 1988.

E. Comparison Workloads With Courts of 15 or More Judges

The raw numbers only tell part of the story. To really understand the gross disparity in the number of judges provided by Congress for courts with heavy criminal caseloads and other federal courts, one must understand the relationship between cases filed and cases that go to trial.

Nationally, 17% of indicted defendants go to trial rather than plead guilty. In the Southern District of Florida 45% of all defendants proceed through the entire trial process to jury verdict.[21] This means the criminal caseload of a federal judge in the Southern District of Florida is three times heavier than that of most federal courts.

For fiscal year 1988, the number of criminal defendants who had jury trials in the Central District of California (162), Northern District of Illinois (53), Eastern District of New York (139), Southern District of New York (163), District of New Jersey (60), and the Eastern District of Pennsylvania (84) totaled 661. By contrast, the number of criminal defendants who had jury trials in the Southern District of Florida was 620.[22] These figures are more startling when one coweiders that the six other districts combined have 115 district judges, yet the Southern District of

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[21] U.S. Atty. Stat. Rep., Table 36, published by Department of Justice, Fiscal Year 1988.

[22] Id. at Table 4.

Florida tries the 620 criminal defendants with merely 15 judges.

The logical explanation for this striking difference in trials is the tendency for the serious drug cases to involve multiple defendants and heavy penalties.[23]

F. Death Cases

Federal habeas corpus petitions by persons on death row, whose warrants of execution have been signed by the governor of the State of Florida, receive the highest possible priority of consideration under federal law. These cases have become an increasingly substantial part of the work of this court and, as a matter of court policy, are handled by Article III District Judges without reference to United States Magistrates.

In most instances, these petitions are filed shortly before the scheduled execution of the petitioner, thus requiring the issuance of a stay of execution to permit careful consideration of the merits of the petition. In years gone by, the case sometimes remained in a stayed posture for up to several years.

In 1984 this court addressed the problem and determined that as a matter of policy, given the high priority of such cases, they would be disposed of by the assigned judge within six months. Since adoption of this policy, this court has maintained a current status with reference to these serious cases.

G. No Visiting Judges

Shakespeare's admonition of "neither a borrower, nor a lender

[23] These figures probably apply as well to the Northern and Middle Districts.

be"[24] is established court policy in this district with respect to borrowing visiting judges from other districts, and is a factor in considering whether or not a court is accomplishing its mandate of service to the people in an effective manner.

This court, between June 1982 and March 1983, had to borrow twenty-eight judges for one month each, or a total of two years and four months of visiting judge time. Although we shall always be eternally grateful to the fine judges who came to this court to help, we decided to handle our own work in the future as a matter of court policy. Since April 1, 1987, we have followed this policy and not used visiting judges from other districts.

One of the major factors in deciding to adopt such a policy was the view of the lawyers practicing in our court. It is understandably difficult for lawyers to try cases before judges who are not known to them and who are only in the district for a short time before returning home. Let me emphasize the bar was not critical of these fine judges who assisted us during that period of time.

With respect to "lending"; Judge Thomas E. Scott served as a visiting judge in the Middle and Northern Districts of Florida last year, on nine separate occasions, for a total of over eight weeks. In the past, judges from those courts have been most generous and cooperative with our district, in those years when we needed help.

IV. COOPERATION WITH THE BAR AND STATE COURTS

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[24] Shakespeare, Hamlet Act I, Scene iii.

Although it is for others to judge, we believe that the cooperation that presently exists between the twenty-three bar associations, nine state circuit courts and the state appellate courts of our district, and this court is the best that it has ever been. There is full and free flow of discussion between the lawyers and judges involved. There is complete cooperation to solve the problems that occasionally arise between these various segments of our legal community. We serve on each other's committees, we fully participate in each other's continuing legal education programs, seminars, and meetings, and exchange hundreds of hours of time annually to make the system of justice in South Florida work smoothly and effectively.

Although there are many examples,[25] such as the service rendered by Chief Circuit Judge Gerald T. Wetherington as Chairman and Mr. Robert L. Dube as a member of the last three Magistrate Selection Committees for this district. They have contributed many hours on this very vital work for the federal court.

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[25] Hon. Peter T. Fay, in nineteen years of federal judicial service as a judge of this court and the Court of Appeals, has been an unfailing tower of strength, support and wise counsel.

A. Lawyer Scheduling Conflicts

In an attempt to alleviate problems the bar was having wherein a lawyer would be scheduled in two trials at the same time before different judges, a written agreement was entered into between the judges of the several courts in this district to establish priority of attendance under these circumstances. The rule, simply stated, holds that the court that sent the first written notice of trial or hearing has, in most instances, priority over the lawyer's scheduled appearance. The various court jurisdictions honor the rule and thus relieve the lawyer from being in two places at the same time.

B. Bench - Bar Liaison Committee

On May 2, 1985, this district, in cooperation with the bar associations of Dade, Broward, Monroe, Palm Beach, and Collier counties formed a committee to act as liaison between the members of the bar and the judges of this court.

The mandate of the committee was to receive, discuss, and screen, on a confidential basis, complaints and suggestions from lawyers concerning any problem that any attorney in the Southern District may have with judges, rules, policies or practices of the district. The chairman of the committee then meets with the court and, without revealing the name of any lawyer who has lodged a complaint, tells the judges the problem of the lawyer. No judge serves on the committee and the work of the committee is completely confidential. This system provides a structured, formalized process for bringing to the attention of the court the problems of

the bar. As far as we are aware, this procedure is unique to this district.

C. Bar Membership on Committees of the Court

Invaluable advice, assistance, and counsel is rendered by over fifty lawyers of this district who serve on the Rules, Bar Admissions, Bench-Bar Liaison, Law Clerk and Intern, Executive, and other committees of the court. We are indeed grateful for the splendid cooperation of the numerous volunteers who give so freely of their time when called upon to assist with the work of the court.

D. Bar Admissions Committee

In 1979, the Southern and Northern Districts of Florida were selected by the Judicial Conference of the United States to participate in a program designed to improve standards of practice in federal courts. Each of the ninety-four district courts was given the choice, on a court-by-court basis, as to whether or not the bench and bar of that court believed that the suggested methods of improvement of advocacy were desirable for their particular district.

The Southern District of Florida looked to its bar to make that decision. Twenty-one members of the bar associations, law schools, and public interest lawyer groups were appointed to study the problem. This committee included three past presidents of The Florida Bar, several law school professors, and a number of practitioners specializing in trial work in federal court. There were no judges on the committee.

The bar committee met, discussed the problem, drafted a bar admission rule, and recommended the rule to the court. After public hearing and careful deliberation, the court adopted the rule and it governs the admission of practice in the Southern District today. Over six thousand lawyers have complied with the admission standards set by this rule and have been admitted to practice in the Southern District of Florida, since the adoption of the rule.

IV. CONCLUSION

Space does not permit, as interesting as it might have been, the inclusion of a reference to the many historic trials that have taken place in his district since the court was created in 1821. It is fair to say that the federal judges of Florida, Northern, Middle and Southern, have been on the cutting edge of American law ruling on the massive legal, social, economic, and procedural problems presented by migration to these shores of Cuban, Haitian, and Nicaraguan refugees, by the discovery of sunken Spanish treasure located in the waters off both coasts of Florida and, of course, by the incredibly complex legal issues involving criminal law, the Speedy Trial Act, and sentencing guidelines evolving out of the drug smuggling cases. These have been interesting cases and the life of a federal judge in Florida is far from dull.

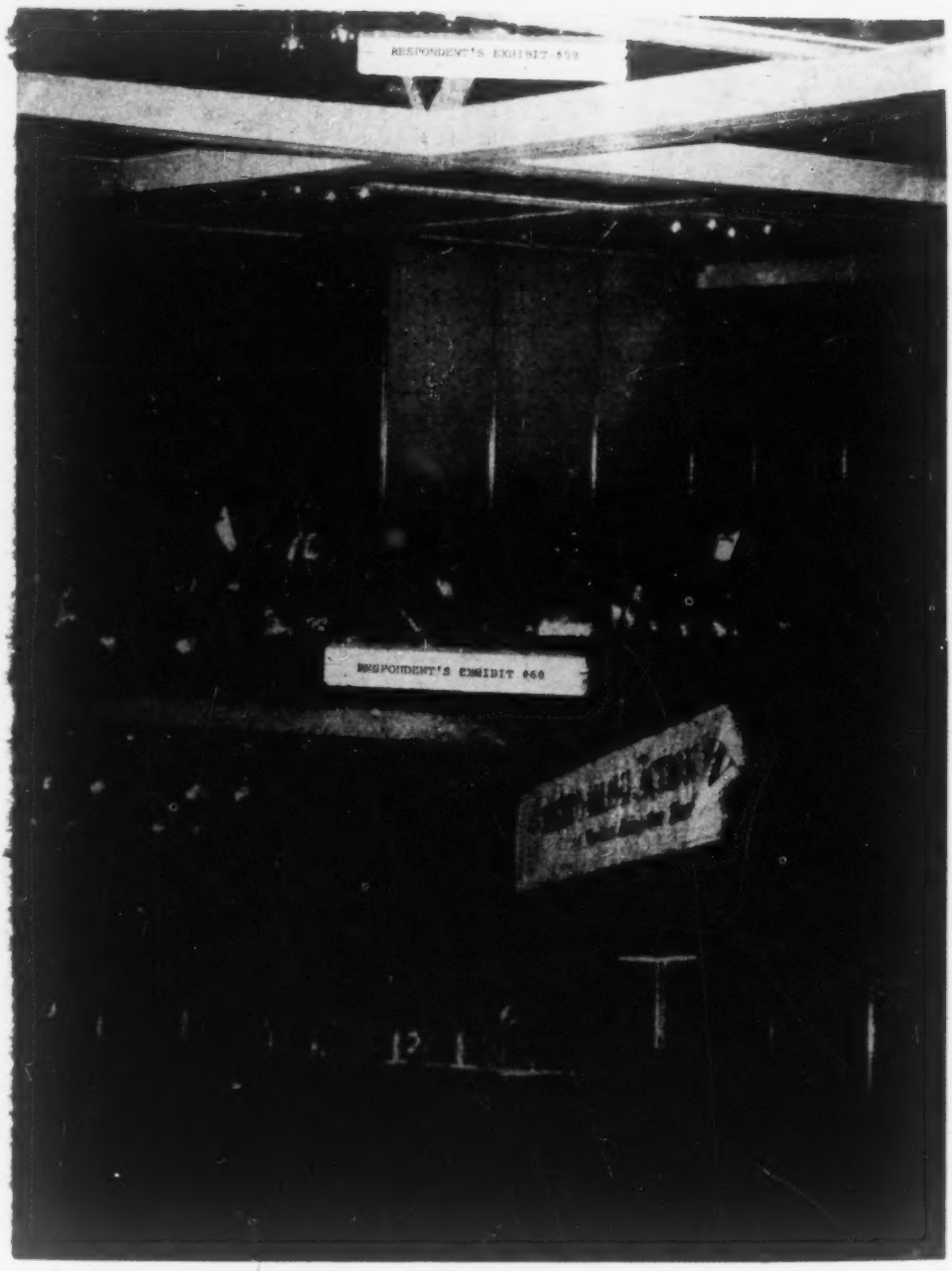
We hope that you agree, that we have kept faith with the people and discharged the work of the court with fairness and justice.

RESPONDENT'S EXHIBIT #53

COMPARISON OF 17 U.S. DISTRICT COURTS WITH THE SOUTHERN DISTRICT OF FLORIDA AS TO DEFENDANTS TRIED BY JURY[1]

Senator	State	Defendants Indicted	Defendants Tried by Jury	Active Judges
Bingaman	New Mexico	627	70	4
Kerrey	Nebraska	238	3	2
Rudman	New Hamp.	65	15	2
Leahy	Vermont	104	8	2
Lieberman	Connecticut	285	18	6
Bond	E. Missouri	326	55	7
	W. Missouri	450	48	7
Pryor	E. Arkansas	209	19	5
	W. Arkansas	125	26	4
Specter	E. Penn.	600	84	16
	M. Penn.	369	36	5
	W. Penn.	342	56	8
Gorton	E. Wash.	370	14	3
	W. Wash.	553	46	7
Bryan	Nevada	511	54	4
Durenberger	Minnesota	700	143	7
Burns	Montana	237	35	3
ALL 17 DISTRICT COURTS		6131	730	92
SO. DISTRICT OF FLORIDA		2385	620	15

[illegible] Report of the U.S. Attorneys' Annual [illegible] Department of Justice, for the Year 1983.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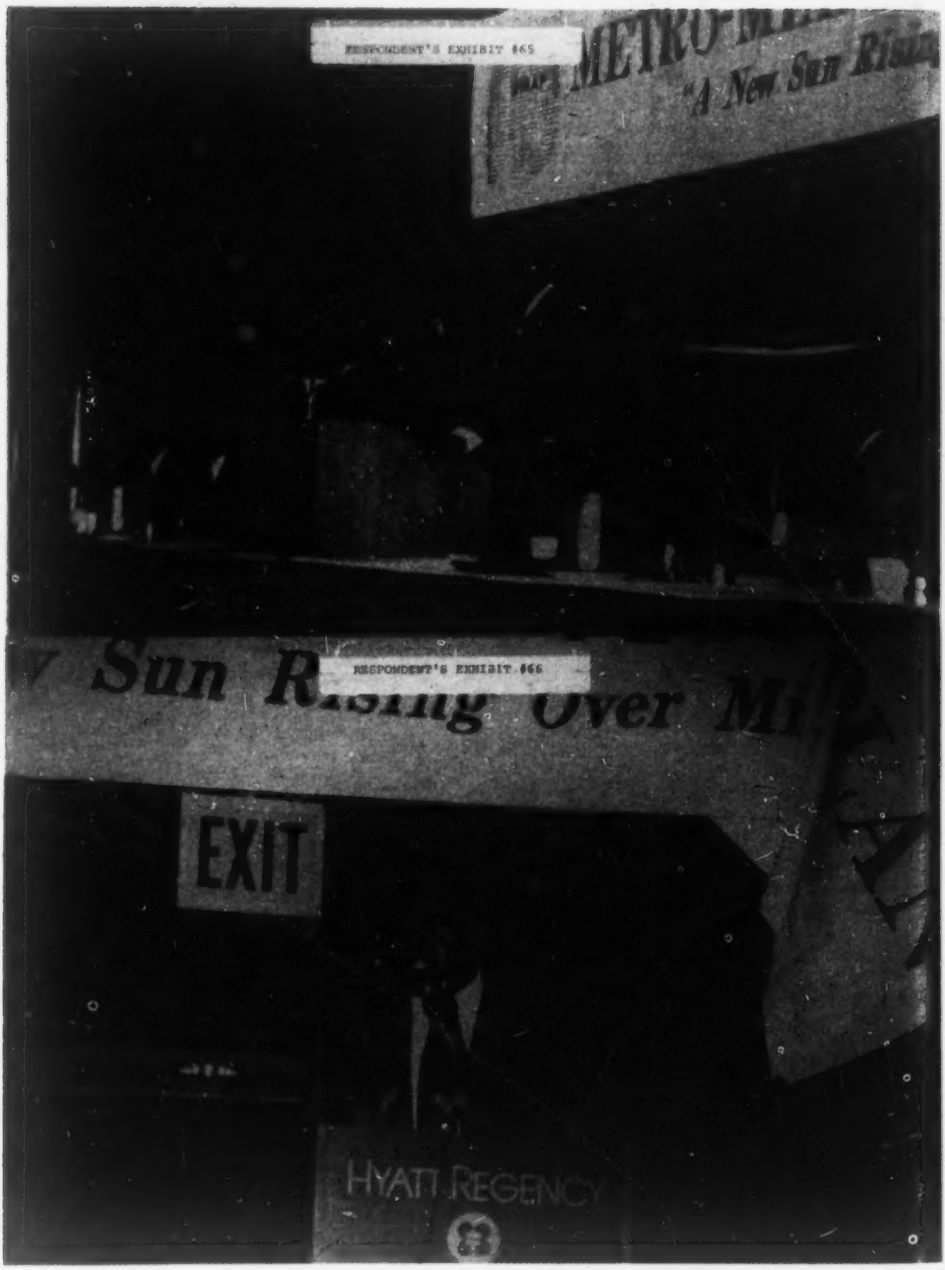
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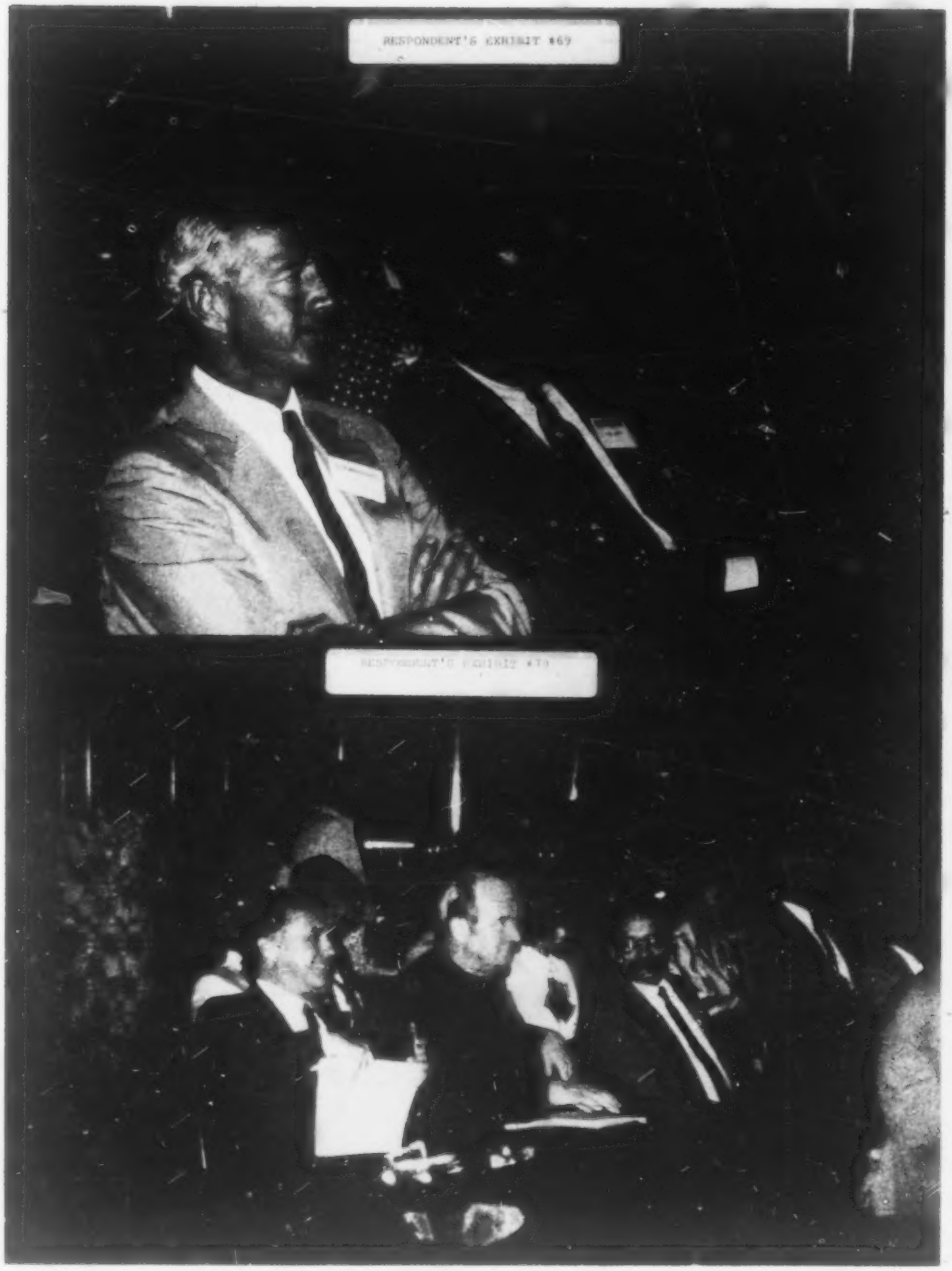
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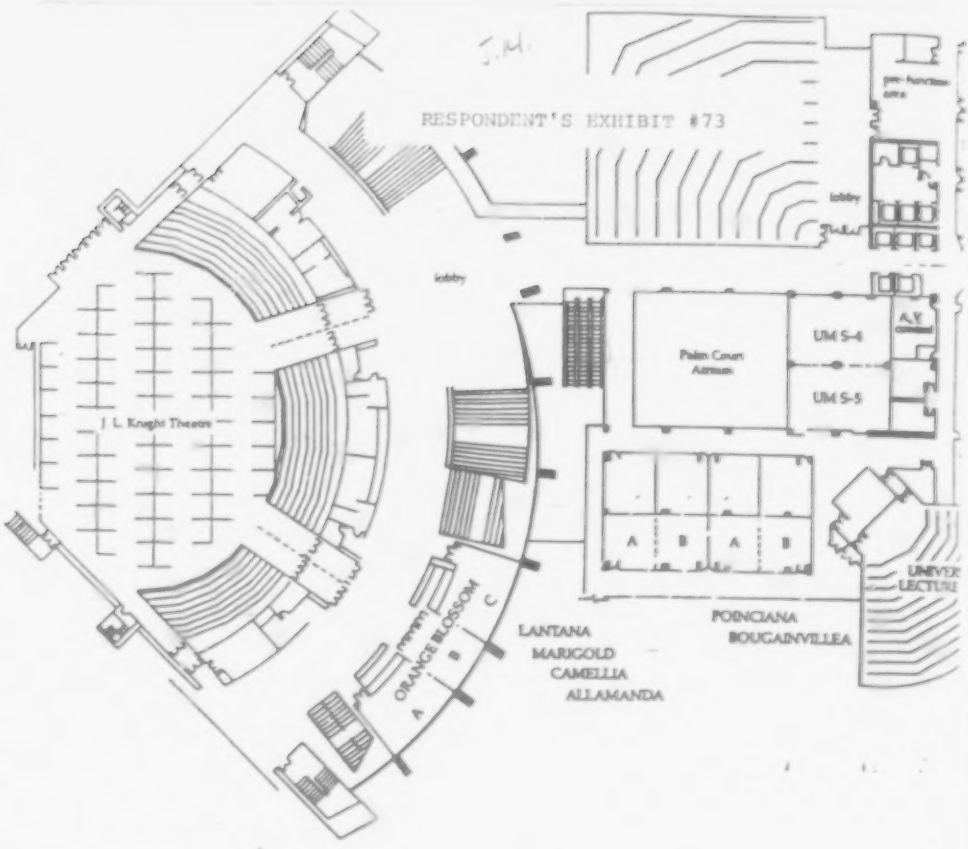
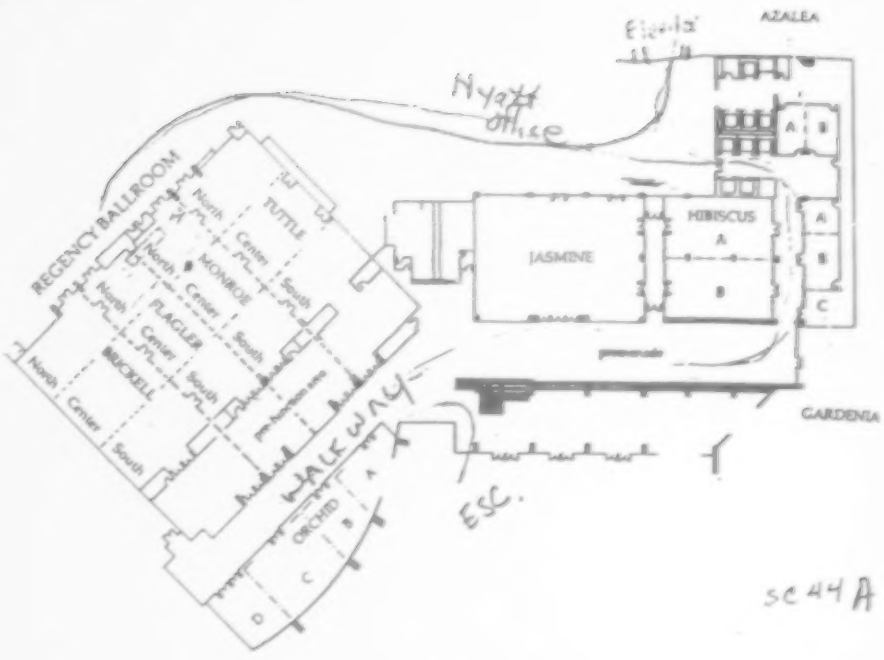


Room	Dimensions	Square Feet	Ceiling Height	Reception Capacity	3 Rds Hipp Banquet Capacity	Theatre Capacity	School Room Capacity	Conference Capacity	U-Shape Capacity	Exhibit Capacity 8 x 10
ORANGE BLOSSOM	89'10" x 29'6"	2,649	10'0"	305	176	235	185	—	—	—
Orange Blossom A	33'4" x 27'6"	891	10'0"	110	64	85	65	28	—	—
Orange Blossom B	23'6" x 29'6"	667	10'0"	85	48	65	55	28	—	—
Orange Blossom C	33' x 27'6"	891	10'0"	110	64	85	65	28	—	—
LANTANA	23' x 21'	483	9'0"	60	32	45	36	20	—	—
BOUGAINVILLEA	42'4" x 24'3"	1,008	9'0"	125	72	100	75	40	—	—
POINCIANA	42'4" x 24'3"	1,008	9'0"	125	72	100	75	40	—	—
CAMELLIA	23' x 21'	483	9'0"	60	32	45	36	20	—	—
ALLAMANDA	23' x 21'	483	9'0"	60	32	45	36	20	—	—
MARIGOLD	23' x 21'	483	9'0"	60	32	45	36	20	—	—
UM SEMINAR 1	26' x 25'	650	9'0"	80	50	80	60	N/A	N/A	—
UM SEMINAR 2	27' x 25'	675	9'0"	80	50	80	60	N/A	N/A	—
UM SEMINAR 3	28' x 25'	700	9'0"	80	50	80	60	N/A	N/A	—
UM SEMINAR 4 or 5	41' x 26'	1,066	9'0"	120	60	100	60	N/A	N/A	—
UM AUDITORIUM (Fixed Seats)	N/A	N/A	N/A	N/A	N/A	444	444	N/A	N/A	—
UM LECTURE HALL (Fixed Seats)	N/A	N/A	N/A	N/A	N/A	N/A	117	N/A	N/A	—

EXHIBIT
190
HOUSE



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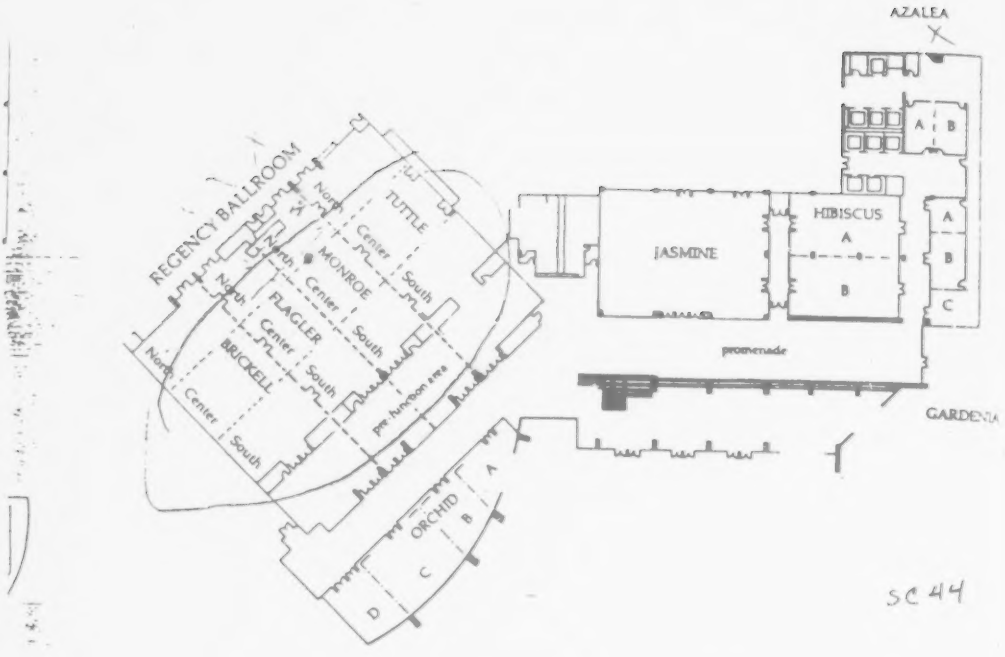
Room	Dimensions	Square Feet	Ceiling Height	Reception Capacity	5' Rds Hdqtr Banquet Capacity	Theatre Capacity	School Room Capacity	Conference Capacity	U-Shape Capacity	Exhibit Capacity 8 x 10'
REGENCY BALLROOM	148' x 80'	11,840	12'	2,000	1,000	1,300	900	N/A	N/A	75
TUTTLE	80' x 44'	3,520	12'	480	240	360	250	120	120	—
Tuttle North or South	27' x 44'	1,188	12'	160	80	120	80	40	40	—
Tuttle Center	26' x 44'	1,144	12'	160	80	120	80	40	40	—
MONROE	80' x 30'	2,400	12'	360	180	300	180	90	90	—
Monroe North or South	27' x 30'	810	12'	N/A	N/A	N/A	N/A	N/A	N/A	—
Monroe Center	26' x 30'	780	12'	N/A	N/A	N/A	N/A	N/A	N/A	—
FLAGLER	80' x 30'	2,400	12'	360	180	300	180	90	90	—
Flagler North or South	27' x 30'	810	12'	N/A	N/A	N/A	N/A	N/A	N/A	—
Flagler Center	26' x 30'	780	12'	N/A	N/A	N/A	N/A	N/A	N/A	—
BRICKELL	80' x 44'	3,520	12'	480	240	360	250	120	120	—
Brickell North or South	27' x 44'	1,188	12'	160	80	120	80	40	40	—
Brickell Center	26' x 44'	1,144	12'	160	80	120	80	40	40	—
ORCHID	32' x 112'	3,134	10'5"	390	216	305	235	—	—	—
Orchid A	18' x 32'	602	10'5"	75	40	60	45	24	—	—
Orchid B	28' x 23'	679	10'5"	85	48	65	50	36	—	—
Orchid C	32' x 36'	1,179	10'5"	145	80	115	90	42	—	—
Orchid D	32' x 21'	674	10'5"	85	48	65	50	28	—	—
AZALEA	23' x 27'6"	621	7'0"	75	40	60	45	—	—	—
Azalea A	23' x 13'	299	7'0"	35	24	29	21	18	—	—
Azalea B	23' x 14'6"	322	7'0"	40	24	31	24	18	—	—
GARDENIA	55'6" x 16'	976	9'0"	120	72	95	75	—	—	—
Gardenia A	19'4" x 16'	304	9'0"	40	24	30	23	18	—	—
Gardenia B	20' x 16'	320	9'0"	40	24	30	25	18	—	—
Gardenia C	16'2" x 22'	352	9'0"	40	24	35	27	18	—	—
HIBISCUS	68' x 53'7"	2,564	10'5"	320	184	245	185	—	—	—
Hibiscus A	68' x 29'9"	1,392	10'5"	180	104	135	105	36	—	—
Hibiscus B	68' x 23'10"	1,104	10'5"	140	80	110	80	36	—	—
JASMINE	77' x 57'9"	4,185	10'9"	520	304	410	320	114	—	—



SC 44

Room	Dimensions	Square Feet	Ceiling Height	Reception Capacity	5 Rds 10pp Banquet Capacity	Theatre Capacity	School Room Capacity	Conference Capacity	U-Shape Capacity	Exhibit Capacity 8 x 10
REGENCY BALLROOM	148' x 80'	11,840	12'	2,000	1,000	1,300	900	N/A	N/A	75
TUTTLE	80' x 44'	3,520	12'	480	240	360	250	120	120	—
Tuttle North or South	27' x 44'	1,188	12'	160	80	120	80	40	40	—
Tuttle Center	26' x 44'	1,144	12'	160	80	120	80	40	40	—
MONROE	80' x 30'	2,400	12'	360	180	300	180	90	90	—
Monroe North or South	27' x 30'	810	12'	N/A	N/A	N/A	N/A	N/A	N/A	—
Monroe Center	26' x 30'	780	12'	N/A	N/A	N/A	N/A	N/A	N/A	—
FLAGLER	80' x 30'	2,400	12'	360	180	300	180	90	90	—
Flagler North or South	27' x 30'	810	12'	N/A	N/A	N/A	N/A	N/A	N/A	—
Flagler Center	26' x 30'	780	12'	N/A	N/A	N/A	N/A	N/A	N/A	—
BRICKELL	80' x 44'	3,520	12'	480	240	360	250	120	120	—
Brickell North or South	27' x 44'	1,188	12'	160	80	120	80	40	40	—
Brickell Center	26' x 44'	1,144	12'	160	80	120	80	40	40	—
ORCHID	32' x 112'	3,134	10'5"	390	216	305	235	—	—	—
Orchid A	18' x 32'	602	10'5"	75	40	60	45	24	—	—
Orchid B	28' x 23'	679	10'5"	85	48	65	50	36	—	—
Orchid C	32' x 36'	1,179	10'5"	145	80	113	90	42	—	—
Orchid D	32' x 21'	674	10'5"	85	48	65	50	28	—	—
AZALEA	23' x 27'4"	621	7'0"	75	48	60	45	—	—	—
Azalea A	23' x 13'	299	7'0"	35	24	29	21	18	—	—
Azalea B	23' x 14'4"	322	7'0"	40	24	31	24	18	—	—
GARDENIA	55'6" x 16'	976	9'0"	120	72	95	75	—	—	—
Gardenia A	19'4" x 16'	304	9'0"	40	24	30	23	18	—	—
Gardenia B	20' x 16'	320	9'0"	40	24	30	25	18	—	—
Gardenia C	16'2" x 22'	352	9'0"	40	24	35	27	18	—	—
HIBISCUS	48' x 53'7"	2,544	10'5"	320	184	245	185	—	—	—
Hibiscus A	48' x 29'9"	1,392	10'5"	180	104	135	105	36	—	—
Hibiscus B	48' x 23'10"	1,104	10'5"	140	80	110	80	36	—	—
JASMINE	77' x 57'9"	4,185	10'9"	520	304	410	320	114	—	—

- RESPONDENT'S EXHIBIT #74 - ATTACHMENT 1

NATIONAL BAR ASSOCIATION

Board of Governors Meeting
Carillon Hotel
Miami Beach, Florida

AGENDA

Thursday, February 26, 1981

7 p.m. Cocktail Reception - Poolside (weather permitting) or Delmonico West

Friday, February, 27, 1981

9 - 11:30 a.m. Joint Plenary Session (Board of Governors & Judicial Council Section) - Royal Palm

12 - 2:00 p.m. Judicial Council Luncheon - Delmonico East
Speaker: The Honorable Alcee Hastings, Judge U. S. District Court, Southern District of Florida

2 - 4:00 p.m. Board of Governors Meeting - Royal Palm
Presiding - William A. Borders, Jr., NBA President

2 p.m. (Sharp)

1. Call to Order

   a. Minutes
   b. Correspondence

2. Additions to Agenda

3. Executive Director's Report

4. Report of the Officers

   a. President
   b. President-Elect
   c. Vice President (Finance)
   d. Vice President (Membership)
   e. Vice President (Regions & Sections)
   f. Vice President (Planning & Development)

5. Committee Reports

   Permanent Convention Report - Robert L. Harris

Saturday, February 28, 1981

9 - 11:30 a.m. Board of Governors Meeting (cont'd) - Coconut Palm

6. BALSA Report - Cathy A. Bell, National Chair

7. Regional Directors' Reports

a. Region I - Henry F. Owens, III
b. Region II - Lawrence R. Bailey, Jr.
c. Region III - Timothy A. Crawford, Jr.
d. Region IV - Barbara E. Whiting
e. Region V - Royce B. West
f. Region VI - Dwight Tillery
g. Region VII - Lemuel Bentley
h. Region VIII - Anne-Marie Clarke
i. Region IX - Thomas J. Broome
j. Region X - Eleanor Darden-Thompson

8. Section Representatives' Reports

a. Administrative Law
b. Civil Rights
c. Civil Trial Advocacy
d. Commercial Law
e. Criminal Law & Juvenile Justice
f. Entertainment, Sports & Art Law
g. Family Law
h. Government Lawyers
i. Institutional Lawyers
j. Judicial Council
k. Labor Law
l. Legal Education
m. Legislative
n. Military Lawyers

12 - 2 p.m. National Bar Association Luncheon

2 - 5 p.m. Continuation of Section Reports

o. Patent Law
p. Real Estate Law
q. Tax
r. Women Lawyers
s. Young Lawyers

10. Old Business

11. New Business

12. Adjournment

6 p.m. Cocktail Reception - Delmonico

7 p.m. Judicial Council Awards Banquet - Delmonico

RESPONDENT'S EXHIBIT #75

IT II

Judicial Council of the National Bar Association

10TH ANNUAL MID-WINTER MEETING

IN CONJUNCTION WITH
THE MEETING OF THE BOARD
OF GOVERNORS OF THE
NATIONAL BAR ASSOCIATION

CARILLON BEACH HOTEL
MIAMI BEACH, FLORIDA

FEBRUARY 26 - MARCH 1, 1981

Judicial Council

National Bar Association

OFFICERS FOR 1980-81

Hon. W. Eugene Sharpe, *Chairman*
Justice, Supreme Court of the State of New York, NY

Hon. Alice A. Bonner
Chair Person Elect
Former Judge, 80th Civil District Court, Houston, Texas

Hon. Paul A. Dandridge, *Secretary*
Judge, Court of Common Pleas, First Judicial District of Pennsylvania
Philadelphia, PA

Hon. Willam H. Murphy, Sr.
Treasurer
Judge, District Court of Maryland, Baltimore, MD

William A. Borders, Jr. Esq.
President - NVA
Cobb, Borders & Williams, P.C.
Washington, D.C.

John Crump, Esquire
Executive Director, NBA

Hon. Gilbert Ware
Executive Director
Judicial Council

MEMBERS OF THE EXECUTIVE COMMITTEE

Hon. Charles H. Anderson
Hon. David F. Cunningham
Hon. Theresa Doss
Hon. Maryellen Hicks
Hon. H. T. Lockard
Hon. John W. Peavy, Jr.
Hon. Horace T. Ward
Hon. Fritz Alexander II
Hon. Charles V. Johnson
Hon. Theodore R. Newman, Jr.
Hon. Kenneth E. Wilson
Hon. William E. Peterson
Hon. Howard E. Bell
Hon. Revius O. Ortique, Jr.
Hon. Solomon Baylor
Hon. Russell R. DeBow
Hon. Joyce London Alexander
Hon. Edward Rodgers

CHAIRMAN'S MESSAGE

I am pleased to welcome you to the Tenth Annual Midwinter Meeting of the Judicial Council, which is being held in conjuction with the meeting of the Board of Governors of the National Bar Association.

During our stay here in Florida we intend to reach out to the community in an effort to share some understanding of the "Justice System" and to get some needed feedback in terms of their conception of our role as Judicial Officers. At our Friday luncheon and the Judicial Awards Banquet on Saturday evening, Mrs. M. Athlie Range, a leading business person in the black community and Mr. Garth Reeves, Sr., the editor and publisher of the Miami Times, will share with us some thoughts on the meaning and significance of the Liberty City incident.

I urge each of you to attend our general sessions and participate in the Section or Committee Meeting of your choice to share your ideas, knowledge and experience as we undertake to implement the program objectives for the Eighties that was adopted at the Tenth Annual Congress recently held in Dallas.

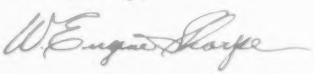
The "successes" that we have enjoyed, by the measurable increases in the number of black Judicial Officers should compel us as a "single force" to never ignore the "clear and present dangers" in the justice system, not only as it relates to "racism," "classism" and "sexism" -but as it relates to the *retention* of black Judicial Officers and an increase in our representation in that system.

To that end I wish to remind each black Judicial Officer that the task is much too great to allow any to consider themselves a "breed apart" or otherwise become a "freeloader."

I would like to mention the names of all of those persons who made the planning and preparation of this meeting such a pleasure. Space, however, will permit the mention of only a few. We are particularly grateful to Dr. Willie C. Robinson, President of the Florida Memorial College; Judge Alcee Hastings, our keynote speaker; Judge Henry Latimer, Chairman of our Host Committee; Joyce Knox, President of Black Lawyer's Association, Inc., Dade County; Mrs. Joan Bryan of Eastern Airlines and the Miller Brewing Company for their most gracious hospitality.

President William Borders of the National Bar Association joins me in thanking each of you for your presence and support

Sincerely,



W. EUGENE SHARPE
Chairman
Judicial Council, NBA

AGENDA

Thursday, February 26, 1981

2:00 p.m. - 6:00 p.m.—*Sabal Palm Room*
REGISTRATION

3:00 p.m. - 5:00 p.m.—*Hibiscus E or F*
MEETING OF THE JUDICIAL COUNCIL EXECUTIVE COMMITTEE

7:00 p.m. - 9:00 p.m.—*Poolside (or Delmonico East)*
RECEPTION Honoring NBA President and Judicial Council Chairman

Friday, February 27, 1981

8:00 a.m. - 12 Noon—*Sabal Palm Room*
REGISTRATION

9:00 a.m. - 11:30 a.m.—*Royal Palm Room*
JOINT PLENARY SESSION (Judicial Council, and NBA Board of Governors)

Presiding: Hon. W. Eugene Sharpe, Chairman, Judicial Council, NBA

Welcoming Remarks: Hon. Henry Latimer, Circuit Court Judge, Chairman Host Committee

Remarks: William Borders, Jr., Esq., President NBA Association

Remarks: Joyce Knox, President of Black Lawyers Association, Inc., Dade County, Florida

Introduction of Keynote Speaker: Hon. Wilkie D. Ferguson District Court of Appeals, Third District, Miami, Florida

Keynote Speaker: Hon. Alcee Hastings, Judge United States District Court, Southern District Miami, Florida

12:00 Noon - 1:45 p.m.—*Delmonico East Room*

JUDICIAL COUNCIL LUNCHEON

Mistress of Ceremonies: Hon. Alice A. Bonner, Chair Person-Elect Judicial Council - NBA

Welcoming Remarks: Hon. Murray Meyerson - Mayor, Miami Beach, Florida

Introduction of Guest Speaker: Hon. Edward Rodgers - Circuit Court Judge Palm Beach County, West Palm Beach, Florida

Guest Speaker: Ms. M. Athalie Range - Miami Florida

2:00 p.m.
Boarding Buses for Florida Memorial College

2:45 p.m. - 4:00 p.m.—*"The Justice System"*
JUDICIAL COUNCIL PRESENTERS

Hon. Henry Latimer - Circuit Court - Broward County Ft. Lauderdale, Florida
Hon. Edith Miller, Family Court - New York City
Hon. William E. Peterson - Past President NBA; Circuit Court Cook County, Chicago, Ill.
Hon. Jean M. Capers, Municipal Court, Cleveland, Ohio
Hon. Paul A. Dandridge, Court of Common Pleas Philadelphia, Pa.
Hon. Joyce London Alexander, U.S. Magistrate, Boston, Mass.

2:00 p.m. - 4:45 p.m.—*Cocoanut Palm Room*
MEETING OF BOARD OF GOVERNORS

6:00 p.m. - 7:00 p.m.—*Poolside or Silver Screen*
COCKTAIL RECEPTION *Black Lawyers Association, Dade County*

Saturday, February 28, 1981

9:00 a.m. - 11:30 a.m.
COMMITTEE MEETINGS

Life Oak Room—**Membership Committee**
Hon. Alice A. Bonner, Chair Person

Hibiscus Room A & B—**Judiciary Committee**
Hon. John D. Fauntleroy, Chairman

Banyan Room—**Family Law Section**
Hon. Edith Miller, Chair Person

Hibiscus Room E—**Appellate Section**
Hon. Kenneth E. Wilson, Chairman

Hibiscus Room C—**Committee on Resolutions**
Hon. Jack Tanner, Chairman

9:00 a.m. - 11:30 a.m.—*Cocoanut Palm Room*
BOARD OF GOVERNORS MEETING

12:00 Noon to 1:45 p.m.—*Delmonico East Room*
NBA BOARD OF GOVERNORS LUNCHEON

Master of Ceremonies: William A. Borders, Jr., Esq., President NBA

2:00 p.m. - 4:30 p.m.—*Royal Palm Room*
COMMITTEE AND SECTION REPORTS AND FINAL BUSINESS MEETING

2:00 p.m. - 4:30 p.m.—*Cocoanut Palm Room*
FINAL NBA BOARD OF GOVERNORS MEETING

5:45 p.m. - 6:45 p.m.—*To be announced*
COCKTAIL RECEPTION

7:00 p.m.—*Delmonico East*
JUDICIAL COUNCIL AWARDS BANQUET

Master of Cermonies: W. Eugene Sharpe, Chairman
Judicial Council Presentation of Award and Response

Recipient of
DISTINGUISHED JURIST AWARD

Hon. Andrew R. Tyler
Justice, Supreme Court
State of New York

Recipients of
DISTINGUISHED ACHIEVEMENT AWARDS

Hon. U. W. Clemon
Judge, U.S. District Court
Northern District
State of Alabama

Hon. Oscar W. Adams, Jr.
Justice Supreme Court
State of Alabama

HOST COMMITTEE

Hon. Henry Latimer
Chairman
Hon. Edward Rodgers
West Palm Beach
Hon. Emerson Thompson
Orlando
Willie Gary, Esq.
President
Florida Chapter NBA
Stuart Carole Taylor, Esq.
Vice President
Florida Chapter NBA
Fort Lauderdale
Joyce Knox, Esq.
President
Dade County Black Lawyers
Florida, NBA
Miami
W. George Allen, Esq.
Ft. Lauderdale
James Brown, Esq.
Ft. Lauderdale
Warren Dawson, Esq.
Tampa
Harold Long, Esq.
Miami
Reese Marshall, Esq.
Jacksonville
Donne Smith, Esq.
Miami
Delano Stuart, Esq.
Tampa
Robert Travis, Esq.
Tallahassee
V. Lynn Whitfield, Esq.
Miami
Sylvia Harden, Esq.
Miami
LAW STUDENTS - BALSA
University of Miami Law School

PAST CHAIRMEN

Hon. Russell R. DeBow, 1979-80
Hon. Horace T. Ward, 1978-79
Hon. Theodore R. Newman, Jr., 1977-78
Hon. Glenn T. Johnson, 1976-77
Hon. Sara Harper, 1975-76
Hon. Robert N. C. Nix, Jr., 1974-75
Hon. Lloyd O. Brown, 1973-74
Hon. Joseph C. Howard, 1972-73
Hon. George W. Crockett, 1971-72

Recipients of the
CHAIRMAN'S AWARD FOR MERITORIOUS SERVICE

Hon. Alcee Hastings
Judge, U.S. District Court
Southern District of Florida
Miami, Florida

Hon. Marion W. Garnett
Judge, Circuit Court
Cook County
Chicago, Illinois

Hon. Henry Latimer
Judge, Circuit Court
Broward County
Fort Lauderdale, Florida

GUEST SPEAKER

Mr. Garth Reeves, Sr.
Editor/Publisher of the Miami Times
Miami Beach, Florida

Sunday, March 1, 1981

Departure

ATTACHMENT VI

RESPONDENT'S EXHIBIT #79

Black Lawyers at the Crossroads: Advocacy for Social Justice vs. Economic Security

National Bar Association

56th Annual Convention

Detroit Plaza Hotel
Detroit, Michigan
July 26-August 1, 1981

National Bar Association

56th Annual Convention

Black Lawyers at the
Crossroads: Advocacy
for Social Justice vs.
Economic Security

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Tax Deduction for Educational Expenses: Treasury regulation 1.162.5 permits an income tax deduction for educational expenses (registration fees and cost of travel, meals, and lodging) undertaken to: (1) maintain or improve skills required in one's employment or other trade or business, or (2) meet express requirements of an employer or a law imposed as a condition to retention of employment, job status, or rate of compensation (*Coughlin v. Commissioner*, 2037 F2d 307). G

President's Page

The National Bar Association has selected as its 56th Annual Convention Theme—"BLACK LAWYERS AT THE CROSS-ROADS: ADVOCACY FOR SOCIAL JUSTICE VS. ECONOMIC SECURITY." It is the considered opinion of the Association's Officers and its Board of Governors that the time has come when we, as Black lawyers, must fully understand the consequences of "The Road Not Taken." To paraphrase what Robert Frost so eloquently wrote years ago, ". . . that will make all the difference." It is further believed that we, as a group, cannot tolerate social or economic stratification nor endulge in self-denunciation, for if the "survival blueprint" is to be a viable one, then the thinking must be positive and sound.

Your active participation in the convention activities will provide the checks and balances to ensure that the horizontal and vertical lines of the survival blueprint are drawn to scale. As lawyers, we must be continuously vigilant in checking the scale or we shall perish at the crossroads.

I take this opportunity to extend to you a hearty thanks for the support you have demonstrated over the past decades, and to also extend a special thank you for the support you have given me during the 1980-81 program year. I look forward to having your positive input during our convention week in Detroit and throughout the years to come.

William A. Borders, Jr.

Greetings — Governor of Michigan

William G. Milliken,
Governor, MI

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

WILLIAM G. MILLIKEN
GOVERNOR

April 27, 1981

National Bar Association
56th Annual Convention
Detroit Plaza Hotel
Detroit, Michigan

Greetings:

It gives me great pleasure to welcome the National Bar Association to Detroit for its 56th Annual Convention.

Detroit, and indeed all of Michigan, is proud to join the Wolverine Bar Association in hosting this, the nation's oldest and largest organization of Black attorneys.

I hope that your meeting is as enjoyable as it is productive and that the hospitality of the Detroiters and Michiganians you meet will add measurably to that enjoyment.

Kind personal regards.

Sincerely,

William G. Milliken
Governor

Mayor of Detroit

Coleman A. Young,
Mayor of Detroit

City of Detroit Executive Office *Coleman A. Young, Mayor*

April 28, 1981

National Bar Association
56th Annual Meeting and Exhibit
Detroit Plaza Hotel
Detroit, Michigan 48243

Greetings:

On behalf of the citizens of Detroit, I welcome you to the "Renaissance City" on the occasion of the 56th Annual Convention of the National Bar Association; the oldest and largest organization of Black attorneys.

I extend best wishes for a successful convention, and for the continued growth and success of the National Bar Association.

Sincerely,

COLEMAN A. YOUNG
Mayor

/Enc.

Greetings from BALSA

I take great pride in this opportunity to extend special greetings to this 56th Annual Convention on behalf of the Black American Law Student Association. This occasion represents the culmination of a year of dedicated effort by African American professionals to organize and reaffirm an unqualified commitment for the restoration of integrity, accountability and strong leadership in our communities.

Our challenge has been cast in the light of the denial of opportunity for African Americans to pursue a quality of life reflective of the wealth upon which this country's prestige is based. BALSA enthusiastically joins you in the departure from overworked dialogue and rhetoric to a struggle for economic, social and political control of our lives. Thus, enabling us to influence the direction of our policy and direction in this country.

BALSA salutes the outgoing administration of William Borders, Jr. for a job well done. Congratulations are extended to President-Elect Arnette Hubbard with whom we join in singlemindedness of purpose and direction for a productive upcoming year.

As Salam Alaikum,
Sylvia "Shukriyah" Monlyn

Greetings from The Wolverine Bar Association

Dear National Bar Delegates and Friends:

Welcome to Detroit! The Wolverine Bar Association is proud to serve as your host for the 56th Annual Convention.

Detroit is a dynamic city. A city where Black Americans serve in large numbers at every elective level of government: Executive, Legislative, and Judicial. No large urban area in the country has demonstrated, as well as Detroit, the importance of participation by Black Americans in the democratic process. It is, therefore, most fitting that The National Bar Association meet in our city this year.

It is hoped that this convention will generate the necessary ideas and programs to assist minority lawyers in their practice and occupations. It is further hoped that we will discuss the ways and means to assist our fellow Black Americans in dealing with the unfortunate policies of our current national administration.

Again, welcome to Detroit. We hope you have a most enjoyable stay.

Elliott S. Hall, President
The Wolverine Bar Association

National Bar Association Officers

William A. Borders, Jr.
President

Arnette R. Hubbard
President-Elect

Harrison Gregg, Jr.
Vice President

Gerald A. Neal
Vice President

Vince Monroe Townsend, Jr.
Vice President

Renee Jones Weeks
Vice President

Walter L. Sutton
Secretary

Arthenia L. Joyner
Treasurer

National Bar Association

Board of Governors: 1980-1981

Executive Committee

William A. Borders, Jr.
Washington, DC

Arnette R. Hubbard
Chicago, IL

Harrison Gregg, Jr.
Houston, TX

Gerald A. Neal
Louisville, KY

Vince Monroe Townsend, Jr.
Los Angeles, CA

Renee Jones Weeks
South Orange, NJ

Walter L. Sutton, Jr.
Dallas, TX

Arthenia L. Joyner
Tampa, FL

Lucy Thornton Edwards
Washington, DC

Shelvin L. Hall
Washington, DC

Robert L. Harris
San Francisco, CA

Frank Seales, Jr.
Washington, DC

Dwight Tillery
Cincinnati, OH

Junius W. Williams
Newark, NJ

Leroy Wilson, Jr.
New York, NY

General Counsel

Thurman L. Dodson
Washington, DC

Parliamentarian

Hon. George Donald Covington
Bronx, NY

Members-at-Large

Margo Bouchet
Los Angeles, CA

Lawrence Carroll
Chicago, IL

LeRoy W. Daggs
Detroit, MI

Stuart J. Dunnings, Jr.
Lansing, MI

Lucy Thornton Edwards
Washington, DC

Shelvin L. Hall
Washington, DC

Joan Sessoms Haywood
Dallas, TX

Leroy Nesbitt
Washington, DC

Emma H. Pendergrass
Oakland, CA

Frank Seales, Jr.
Washington, DC

Leroy Wilson, Jr.
New York, NY

Special Assistants to the President

Hon. Joyce Alexander
Boston, MA

Dennis W. Archer
Detroit, MI

Marvin S. Arrington
Atlanta, GA

George R. Burrell, Jr.
Philadelphia, PA

Edith Parker Corlette
Los Angeles, CA

Warren H. Dawson
Tampa, FL

William J. Ewing
Montclair, NJ

Golden E. Johnson
Newark, NJ

Joyce Mitchell
Washington, DC

Hon. Theodore R. Newman, Jr.
Washington, DC

Hon. William S. Thompson
Washington, DC

Special Consultants to the President

Frank W. Ballance, Jr.
Warrenton, NC

T.J. Cunningham
West Palm Beach, FL

James Ghee
Farmville, VA

Carolyn Y. Howard
Merrifield, VA

Elaine R. Jones
Washington, DC

Hon. Henry Latimer
Ft. Lauderdale, FL

Ruby B. McZier
Washington, DC

J. Clay Smith, Jr.
Washington, DC

Gloria R. Sulton
Washington, DC

Daniel Weber
San Diego, CA

Past Presidents

Robert L. Harris
San Francisco, CA

Junius W. Williams
Newark, NJ

Mark T. McDonald
Houston, TX

Carl J. Character
Cleveland, OH

W. George Allen
Ft. Lauderdale, FL

Charles Howard
Baltimore, MD

Archie Weston
Chicago, IL

O.T. Wells
New York, NY

James W. Cobb
Washington, DC

Hon. Edward F. Bell
Detroit, MI

Hon. William E. Peterson
Chicago, IL

Charles Waugh
Muskegon Heights, MI

Hon. Billy Jones
East St. Louis, IL

Revius O. Ortique
New Orleans, LA

Robert Lillard
Nashville, TN

Elmer C. Jackson, Jr.
Kansas City, KS

Hon. William S. Thompson
Washington, DC

Hon. Richard Atkinson
Washington, DC

W. Harold Flowers
Pine Bluff, AR

Hon. Scovel Richardson
New York, NY

Thurman L. Dodson
Washington, DC

Earl B. Dickerson
Chicago, IL

Regional Directors

Region I
Henry F. Owens, III
Boston, MA

Region II
Lawrence R. Bailey, Jr.
New York, NY

Region III
Timothy A. Crawford, Jr.
Philadelphia, PA

Region IV
Barbara E. Whiting
Washington, DC

Region V
Royce B. West
Dallas, TX

Region VI
Dwight Tillery
Cincinnati, OH

Region VII
Lemuel Bentley
Chicago, IL

Region VIII
Anne-Marie Clarke
St. Louis, MO

Region IX
Thomas J. Broome
Oakland, CA

Region X
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Judicial Council Section
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The Honorable W. Eugene Sharpe
Chairman, NBA Judicial Council

The Honorable Alice A. Bonner
Chairperson-Elect, NBA Judicial Council

For the year 1980-81, the Judicial Council continued its efforts of promoting interest in a more truly representative judiciary on all levels throughout the country. Special emphasis was placed on retention of black judges. The historic convening of the first "Black Congress on Health and Law" last August as a joint venture between the National Bar Association, the National Medical Association, the National Black Nurses Association, the National Dental Association and the National Pharmaceutical Association significantly contributed to the interest and activities of the Council.

The 10th Annual Mid-Winter Meeting of the Council was held in conjunction with the meeting of the NBA Board of Governors at the Carillion Beach Hotel in Miami Beach, Florida. Approximately 100 judges, lawyers, and other guests attended. The schedule of activities began with a joint plenary session with the Board of Governors and an inspiring keynote speech by the Honorable Alcee Hastings, Judge of the United States District Court, Miami, Florida. The Judicial Council luncheon featured challenging remarks by Mrs. M. Athalie Range, one of the positive community leaders who assisted in the Liberty City

The Honorable Paul A. Dandridge
Secretary, NBA Judicial Council

The Honorable William H. Murphy, Sr.
Treasurer, NBA Judicial Council

Incident, and of course, the Judicial Council's Awards Banquet where the featured speaker was the Editor/Publisher of the Miami Times, Mr. Garth Reeves, Jr. Honorable Andrew R. Tyler, Justice of the Supreme Court of the State of New York was the recipient of our Distinguished Jurist Award; Honorable U.W. Clemon, Judge of United States District Court for the Northern District of Alabama and Honorable Oscar W. Adams, Jr., Justice of the Supreme Court of the State of Alabama were the recipients of our Distinguished Achievement Awards; and Honorable Alcee Hastings, Judge of the United States District Court, Southern District of Florida, Honorable Marion W. Garnett, Judge of the Circuit Court of Cook County and Honorable Henry Latimer, Judge of the Circuit Court of Broward County were the recipients of the Chairman's Award for Meritorious Service to the Council.

We look forward with great anticipation to our observance of the 11th Anniversary of the Judicial Council as we rededicate ourselves to the aims and objectives of our founders to assure that "the eyes of American justice must no longer be blinded to the unequal treatment accorded poor people and minorities under the law."

Agenda — The Judicial Council of the National Bar Association

The 11th Annual Congress
56th Annual Convention
Detroit Plaza Hotel
Detroit, Michigan
July 27-July 30, 1981

Observing: The 11th Anniversary of the Founding of the Judicial Council

The Honorable W. Eugene Sharpe, Chairman, NBA Judicial Council
Justice, Supreme Court of the State of New York, Kew Gardens, NY

The Honorable Alice A. Bonner, Chair-Elect, NBA Judicial Council
Former Judge, 80th Civil District Court, Houston, TX

Monday, July 27, 1981

9:00-12:00	**REGISTRATION**	Ontario Exhibit Hall, Level 3
1:30-2:30	**FIRST BUSINESS MEETING**	Nicolet, Level 5
2:30-5:30	**PLENARY SESSION** **Presiding:** *Hon. W. Eugene Sharpe*, Chairman, NBA Judicial Council **Welcoming Remarks:** *William A. Borders, Jr., Esq.*, President, NBA Cobb, Borders & Williams P.C., Washington, DC *Hon. Alice A. Bonner*, Chair-Elect, NBA Judicial Council, Houston, TX *Hon. Theresa Doss*, Co-Chair, Host Committee, Judge, Common Pleas Court, Detroit, MI *Hon. Craig S. Strong*, Co-Chair, Host Committee, Judge, Recorder's Court, Detroit, MI **Keynote Speaker:** *Hon. Lucille A. Watts*, Judge, Common Pleas Court, Detroit, MI	Mackinac Ballroom, Level 5

Tuesday, July 28, 1981

9:30-12:00 — **SYMPOSIUM I** — Mackinac Ballroom, Level 5

"The Impact of Bloc Grant Funding Upon the Black Family"

Moderator:

Hon. Edith Miller, Chair, NBA Judicial Council Family Law Section, Judge, Family Court of the State of New York, New York, NY

Panelists:

Hon. Paul A. Dandridge, Secretary, NBA Judicial Council, Judge, Court of Common Pleas, Philadelphia, PA

2:00-4:00 — **SYMPOSIUM II** — Mackinac, Level 5

"Judicial Retention as it Relates to Black Judges"

Moderator:

Hon. John D. Fauntleroy, Chairman, NBA Judicial Council Judiciary Committee, Judge, Superior Court of the District of Columbia, Washington, DC

Panelists:

Hon. Fade Wilson, Judge, Muncipal Court, Houston, TX

Hon. Benjamin Travis, Judge, Municipal Court, Oakland, CA

Hon. Craig S. Strong, Judge, Recorder's Court, Detroit, MI

Hon. Sara Harper, Judge, Municipal Court, Cleveland, OH

Hon. Thelma W. Cummings, Judge, Municipal Court, Atlanta, GA

Wednesday, July 29, 1981

9:00-10:00 — **BUSINESS MEETING** — Mackinac, Level 5

Report of Nominating Committee

Justice Glenn T. Johnson, Illinois Appellate Court, Chicago, IL

Election of Officers

10:00-12:00 **SYMPOSIUM III** — Mackinac, Level 5

"Peremptory Challenges and the Exclusion of Blacks From the Petit Jury"

Moderator:

Hon. Kenneth E. Wilson, Chairman, NBA Judicial Council Appellate Section, Justice, Illinois Appellate Court, Chicago, IL

Panelists:

Hon. Theodore R. Newman, Jr., Chief Judge, Court of Appeals, Washington, DC

Hon. Harry A. Cole, Associate Judge, Court of Appeals, Baltimore, MD

Hon. Julia Cooper Mack, Associate Judge, Court of Appeals, Washington, DC

Hon. Clinton Wayne White, Presiding Judge, Court of Appeals, San Francisco, CA

Hon. Jack Tanner, Judge, U.S. District Court, Eastern & Western Districts of Washington, Tacoma, WA

Hon. Glenn T. Johnson, Justice, Illinois Appellate Court, Chicago, IL

12:30-3:00 **JUDICIAL COUNCIL AWARDS LUNCHEON** — Renaissance Ballroom, Level 4 (Columbus)

Master of Ceremonies:

Hon. W. Eugene Sharpe, Chairman, NBA Judicial Council, Justice, Supreme Court of the State of New York, Kew Gardens, NY

Swearing-In of 1981-1982 NBA Judicial Council Officers

Guest Speaker:

Hon. Damon J. Keith, U.S. Circuit Court of Appeals for the Sixth Circuit District, Detroit, MI

Presentation of Awards:

Hon. Damon J. Keith, Recipient, William Henry Hastie Award

Hon. Wade H. McCree, Recipient, Raymond Pace Alexander Award

Thursday, July 30, 1981

9:00-12:00	**Tour and Demonstration of the Recorder's Court of the City of Detroit**	
2:00-4:30	**FINAL BUSINESS MEETING**	Mackinac, Level 5
	Presiding:	
	Hon. W. Eugene Sharpe, Chairman, NBA Judicial Council	
	COMMITTEE REPORTS:	
	Resolutions Committee, *Hon. Jack Tanner*	
	Long-Range Planning Committee, *Hon. Revius O. Ortique*	
	Family Law Section, *Hon. Edith Miller*	
	Appellate Section, *Hon. Kenneth E. Wilson*	
	Membership Committee, *Hon. Alice A. Bonner*	
	Judiciary Committee, *Hon. John D. Fauntleroy*	
	Plans for 1982 Mid-Winter Meeting	
	Adjournment	

Black Lawyers at the Crossroads

Advocacy for Social Justice vs. Economic Security

Our theme for 1981 is multi-purposed. Thought-provoking heads the list. What follows are some significant thoughts from two of our great leaders, Frederick Douglass and Marcus Garvey. The first quotations can be found in *The Life and Writings of Frederick Douglass, Vol. IV: Reconstruction and After* by Philip S. Foner.

It is our sincere hope that the theme and the quotes will motivate our members to initiate the meaningful dialogue and debate essential to developing the proper perspective for nationwide community action with Black lawyers in the forefront.

We at the NBA believe that "the advocacy for social justice" is intricately linked with the ability to acquire "economic security." The two must always remain equal components in our struggle for freedom if we are to remain true to ourselves and all people.

"It should be remembered by our severe judges that freedom came to us not from the sober dictates of wisdom, or from any normal condition of things, not as a matter of choice on the part of the land-owners of the South, nor from moral considerations on the part of the North. It was born of battle and blood. It came across fields of smoke and fire strewn with wounded, bleeding, and dying men. Not from the Heaven of Peace amid the morning stars, but from the hell of war—out of the tempest and whirlwind of warlike passions, mingled with deadly hate and a spirit of revenge; it came, not so much as a boon to us as a blast to the enemy. Those against whom the measure was directed were the land-owners, and they were not angels, but men, and, being men, it was to be expected they would resent the blow. They did resent it, and a part of that resentment unhappily fell upon us.

It is our lot to live among a people whose laws, traditions, and prejudices have been against us for centuries, and from these they are not yet free. To assume that they are free from these evils simply because they have changed their laws is to assume what is utterly unreasonable and contrary to facts. Large bodies move slowly. Individuals may be converted on the instant and change their whole course of life. Nations never. Time and events are required for the conversion of nations. Not even the

character of a great political organization can be changed by a new platform. It will be the same old snake though in a new skin. Though we have had war, reconstruction and abolition as a nation, we still linger in the shadow and blight of an extinct institution. Though the colored man is no longer subject to be bought and sold, he is still surrounded by an adverse sentiment which fetters all his movements. In his downward course he meets with no resistance, but his course upward is resented and resisted at every step of his progress. If he comes in ignorance, rags, and wretchedness, he conforms to the popular belief of his character, and in that character he is welcome. But if he shall come as a gentleman, a scholar, and a statesman, he is hailed as a contradiction to the national faith concerning his race, and his coming is resented as impudence. In the one case he may provoke contempt and derision, but in the other he is an affront to pride, and provokes malice. Let him do what he will, there is at present, therefore, no escape for him. The color line meets him everywhere, and in a measure shuts him out from all respectable and profitable trades and callings. In spite of all your religion and laws he is a rejected man."

Frederick Douglass

"The (Black man) now stands at the crossroad of human destiny. He is at the place where he must either step forward or backwards. If he goes backwards he dies; if he goes forward it will be with the hope of a greater life. Those of us who have developed our minds . . . are compelled, by duty, to step out among the millions of unthinking masses and convince them of the seriousness of the age in which we live."

Marcus Garvey

Agenda: National Bar Association

"Black Lawyers at the Crossroads: Advocacy for Social Justice vs. Economic Security"

56th Annual Convention
Detroit Plaza Hotel
Detroit, Michigan
July 26-August 1, 1981

Sunday, July 26, 1981

9:00-5:00	REGISTRATION	Ontario Exhibit Hall, Level 3
3:00-5:00	Board of Governors Meeting **Presiding:** *William A. Borders, Jr.*, President, NBA	Mackinac East, Level 5
6:00-9:00	"Welcome to Detroit" Reception	

Monday, July 27, 1981

9:00-5:00	REGISTRATION AND EXHIBITS	Ontario Exhibit Hall, Level 3
9:30-12:00	**FIRST PLENARY SESSION** **Presiding:** *William A. Borders, Jr.*, President, NBA General Business, Officers Reports, Executive Director's Report, Convention Procedures, Nominating Procedures, Resolution Procedures, Election Procedures, Committee Reports, By-Laws Revision Procedures **Speaker:** *W. Harold Flowers, Esq.*, NBA Past President ('53-'55), Pine Bluff, AR	Renaissance Ballroom Level 4 (Cabot)
12:00-1:00	**Open Lunch**	
	NBA SECTION MEETINGS	
1:00-2:00	Administrative Law, BALSA, Civil Rights, Civil Trial Advocacy,	To Be Announced

	Commercial Law, Criminal Law and Juvenile Justice, Entertainment, Sports & Arts Law, Women Lawyers	
2:00-3:00	Family Law, Government Lawyers, Institutional Lawyers, Labor Law, Legal Education	To Be Announced
3:00-4:00	Legislative Law, Military Lawyers, Patent Law, Real Estate Law, Young Lawyers, Tax Section	To Be Announced
4:00-5:00	REGIONAL CAUCUSES	To Be Announced
6:00-9:00	PRESIDENT'S RECEPTION Edsel & Eleanor Ford Estate (Board Buses at 5:00 PM—River Entrance of Hotel)	

Tuesday, July 28, 1981

7:30-9:30	WOMEN LAWYERS SECTION ANNUAL BREAKFAST **Presiding:** *Dolores Pegram Wilson, Esq.*, Chair, NBA Women Lawyers Section, Newark, NJ **Theme:** "Potential for Women As Political Activists" **Guest Speaker:** *The Hon. Anna Diggs-Taylor*, Judge, United States District Court for the Eastern District of Michigan	Renaissance Ballroom, Level 4 (Cartier)
9:00-5:00	REGISTRATION AND EXHIBITS	Ontario Exhibit Hall, Level 3
10:00-12:00	56TH ANNUAL CONVENTION OPENING SESSION **Welcome:** *The Hon. Coleman A. Young*, Mayor, Detroit, Michigan **Keynote Address:** *Jesse J. McCrary, Jr., Esq.*, Miami, FL	Renaissance Ballroom, Level 4 (Cabot)

12:00-2:00 **MILITARY LAWYERS SECTION LUNCHEON** — Renaissance Ballroom, Level 4 (Columbus)

Presiding:
Major Frances P. Rice, Chair, NBA Military Lawyers Section, Washington, DC

Guest Speaker:
The Hon. Robinson O. Everett, Chief Judge, United States Court of Military Appeals, Washington, DC

SEMINARS

3:00-5:00 **"Collective Bargaining Rights of University Faculty Members Under the National Labor Relations Act: The Effect of *N.L.R.B. v. Yeshiva University*, 444 U.S. 672 (1980)."** A mock trial presentation sponsored by NBA Labor Law Section — Joliet, Level 5

Convenor:
George C. Lacy, Esq., Chairman, NBA Labor Law Section, Lacy & Ailstock, Professor, Antioch School of Law, Washington, DC

Participants:
Willie L. Clark, Jr., Solicitor, National Labor Relations Board, Washington, DC
Wiley Branton, Dean, Howard University School of Law, Washington, DC
Warner Lawson, Jr., Associate Dean, Howard University School of Law, Washington, DC
Johnnie Landon, Esq., Special Council to the National President, National Alliance of Postal and Federal Employees, Washington, DC
Johnnie L. Mahan, Esq., National Labor Relations Board, Tampa, FL
Madelyn Squire, Assistant Professor, Howard University School of Law, Washington, DC

A. Martin Wickliff, Jr., Esq., Fullbright & Jaworski, Houston, TX
Gerald Williams, Esq., Dade County School Board, Miami, FL
(A reception will immediately follow presentation)

3:00-5:00 — **"Energy Presentation on Oil and Gas Law, National Gas Regulations, Nuclear and Advanced Energy Technologies, Environmental Regulation and Energy Development, Tax Laws and Energy and Utilities Regulation,"** sponsored by NBA Energy Committee — Marquette B, Level 5

Special Guest Speaker:
R. Tenney Johnson, Esq., General Counsel Designate, U.S. Department of Energy, Washington, DC
Co-Moderators:
Beverly A. Spencer, Esq., Aminoil USA, Inc., Houston, TX
Winfred T. Colbert, Esq., Exxon Company, USA, Houston, TX
Panelists:
Barry M. Banner, Esq., Exxon Company, USA, Houston, TX
Sheila Jackson Lee, Esq., United Gas Pipeline Company, Houston, TX
Carolyn A. Greene, Esq., Westinghouse Electric Corporation, Houston, TX
Barbour L. Seymour, Esq., Texaco, Inc., Houston, TX
John R. Marks, III, Commissioner, Public Service Commission, State of Florida, Tallahassee, FL

3:00-5:00 — **"Full Representation of Black Creative Talent,"** sponsored NBA Entertainment, Sports, and Art Law Section — Duluth, Level 5

Moderator:
Thelma A. Quince, Esq., Chair, NBA Entertainment, Sports, and Art Law Section

Panelists:
Louise West, Esq., Private Practitioner, New York, NY
Al Bell, Entertainment Entrepreneur and Promoter, Los Angeles, CA
Gregg Reed, Esq., Detroit, MI
Clay Chavers, Esq., Washington, DC
David Franklin, Esq., Atlanta, GA
Joseph Dorter, Esq., Los Angeles, CA

3:00-5:00 **"Reports on Intellectual Property Seminars Including Re-Examination, Protest, Re-Issue, EPC & PCT Practice,"** sponsored by NBA Patent Law Section — Cadillac A, Level 5

Moderator:
Leonard Williamson, Esq., Chairman, NBA Patent Law Section, Patent Attorney, Proctor & Gamble, Cincinnati, OH

Panelists:
John R. Moses, Esq., Arlington, VA
Samuel R. Williams, Esq., Murray Hill, NJ
Andrea Pair Bryant, Esq., IBM Corporation, Austin, TX
Kenneth Baugh, Esq., Davis, Mayfield & Baugh, Houston, TX
Hosea Taylor, Esq., Former U.S. Patent Examiner, Washington, DC
Charlotte Givens, Esq., Copyright Examiner, Washington, DC

3:00-5:00 **"Here and Abroad: Representing the Legal and Economic Interests of African and Domestic Clients,"** sponsored by NBA Women Lawyers Section — Brule B, Level 5

Moderators:
Paulette Brown-Robinson, Esq., Benefit Consultant, Buck Consultants, New York, NY
Hyacinth Collins, Esq., Washington, DC

Panelists:
Ozro Thaddeus Wells, Esq., Private Practitioner, New York, NY
Louis Clayton Jones, Esq., Jones, Michael & Cherot, P.C., New York, NY
Junius W. Williams, Esq., Past President, National Bar Association, Newark, NJ

3:00-5:00 **"Government Procurement for Small and Disadvantaged Businesses,"** sponsored by NBA Military and Commercial Law Sections — Nicolet B, Level 5

Moderator:
Major Frances P. Rice, Chair, NBA Military Law Section, Washington, DC
Panelists:
Brigadier General Hugh R. Overholt, Esq., Army Assistant Judge Advocate General for Civil Law, Washington, DC
Junita Watts, Director, Army Office for Small and Disadvantaged Business Utilization, Washington, DC
Larry Harris, Esq., Lewis, Mitchell & Moore, Washington, DC
Harold Jordan, Esq., Fried, Frank, Harris, Shriver & Kampla, Washington, DC
Paul Brown, Director, SBA Office of Minority Business Development, Washington, DC

3:00-5:00 **"Recent Developments in Family Law: Part I, A Synopsis of the Uniform Child Custody Act; Part II, Palimony—Its Effect on Present and Future Domestic Relations,"** sponsored by NBA Family Law Section — Richard A, Level 5

Moderator:
Aldrinette Chapital, Esq., Private Practitioner, Houston, TX

Panelists:
Will Outlaw, Esq., Houston, TX
Brenda Garrett, Esq., Houston, TX

8:30-12 Midnight — **"Bob-Lo Boat Cruise,"** A Wolverine Bar Association Production (Boat Dock—3 Blocks From Hotel)

Wednesday, July 29, 1981

7:00-9:00 — **UNIVERSITY ALUMNI BREAKFASTS**

Howard University School of Law — Cartier, Level 4

Thurgood Marshall School of Law — To Be Announced

University of Michigan School of Law — To Be Announced

9:00-5:00 — **REGISTRATION AND EXHIBITS** — Ontario Exhibit Hall, Level 3

9:00-10:00 — **SECOND PLENARY SESSION** — Renaissance Ballroom, Level 4 (Cabot)

Presiding:
Arnette R. Hubbard, President-Elect, NBA

Report of Nominating Committee

SEMINARS

10:00-12:00 — **"Cable, Broadcast and Telephone Deregulation—What's In It For Us,"** sponsored by NBA Young Lawyers Section — Marquette A, Level 5

Moderator:
Edwina E. Dowell, Esq., General Counsel, Spanish International Network, New York, NY

Panelists:
Russell Frisby, Esq., Legal Assistant to Commissioner, Federal Communications Commission, Washington, DC
Daniel Thompson, Esq., Telecommunications and Antitrust Division, AT&T, Washington, DC

Frank Washington, Esq., Deputy Chief, Broadcast Bureau, Federal Communications Commission, Washington, DC
James L. Winston, Esq., Rubin and Winston, P.C., Washington, DC
James R. Johnson, Esq., Counsel, National Cable Television Association, Washington, DC
Lois Wright, Esq., General Counsel, Inner City Broadcasting, New York, NY
Frederick D. Cooke, Esq., Dow, Lohnes & Alberston, Washington, DC

10:00-12:00 — **"Prepaid Legal Services,"** sponsored by NBA Legal Aid and Prepaid Legal Services Committee — LaSalle B, Level 5

Moderator:
Nancy Gist Preston, Esq., Assistant Director, UAW Legal Services Plan, Detroit, MI
Panelists:
Alec Schwartz, Esq., Director, ABA Prepaid Legal Services Institute, Chicago, IL
Dennis W. Archer, Esq., Charfoos, Christensen, Gilbert & Archer, Detroit, MI

10:00-12:00 — **Seminar Sponsored by the NBA Real Estate Law Section** — Joliet B, Level 5

Moderator:
Samuel C. Jackson, Esq., Chairman, NBA Real Estate Law Section

10:00-12:00 — **"Current Issues in Attorney's Professional Responsibility,"** sponsored by NBA Women Lawyers Section — Richard A, Level 5

Moderators:
Willa Mae King, Esq., Detroit, MI
Jacqueline R. Rucker, New Jersey Deputy Attorney General, Irvington, NJ

Panelists:
Frederick A. Patmon, Esq., Detroit, MI
C. Beth Duncombe, Esq., Detroit, MI
David Lewis, Esq., Detroit, MI
Renee Jones Weeks, Esq., Assistant General Counsel, Prudential Insurance Company, Newark, NJ
Dennis W. Archer, Esq., Charfoos, Christensen, Gilbert & Archer, Detroit, MI

10:00-12:00 — **"The Status of the Small Business Administration's 8(a) Program and Its Implications for Minority Business Development and the Legal Community,"** sponsored by NBA Commercial and Military Law Sections — Cadillac B, Level 5

Moderator:
Larry D. Harris, Esq., Lewis, Mitchell & Moore, Washington, DC
Panelists:
Major Clark, Esq., Staff Director, Small Business Committee, U.S. House of Representatives, Washington, DC
Rotan Lee, Esq., Private Practitioner, Washington, DC
Robert L. Wright, Jr., Associate Administrator, Small Business Administration, Washington, DC

10:00-12:00 — **"The Reagan Administration's Evolving Foreign Policy: New Directions and the Implications for International Law and Policy,"** sponsored by NBA International Affairs Committee — Nicolet A, Level 5

12:30-3:00 — **JUDICIAL COUNCIL AWARDS LUNCHEON** — Renaissance Ballroom, Level 4 (Columbus)

Presiding:
The Hon. W. Eugene Sharpe, Chairman, NBA Judicial Council

Guest Speaker:
The Hon. Damon J. Keith, Judge, U.S. Circuit Court of Appeals for the Sixth Circuit, Detroit, MI

SEMINARS

3:00-5:00 — **"The Use of Expert Testimony in a Criminal Trial,"** sponsored by NBA Young Lawyers Section — Brule B, Level 5
Moderator:
John A. Turner, Jr., Esq., Dixon & Turner, Washington, DC
Panelists:
The Hon. William S. Thompson, Judge, Superior Court of the District of Columbia, Washington, DC
Reggie Walton, Esq., Executive Assistant to the United States Attorney, Washington, DC
Gary Michael Cooper, III, Esq., Mays, Cooper & Associates, Houston, TX
Leroy Nesbitt, Esq., Washington, DC

3:00-5:00 — **"Substantive Issues in Labor Law,"** sponsored by NBA Labor Law Section — Marquette A, Level 5
Moderator:
Valerie E. Brathwaite, Esq., National Labor Relations Board, Washington, DC
Panelists:
Curtis L. Mack, Esq., Jackson, Lewis, Schnitzler & Crupman, Former Regional Director, National Labor Relations Board, Atlanta, GA
John W. Davis, Esq., Executive Director, Reginald Heber Smith Fellowship Program, Howard University School of Law, Washington, DC
Roger J. Thomas, Esq., Pension Counsel, Select Committee on the Aging, U.S. House of Representatives, Washington, DC
Harry W. Scott, Jr., Esq., Office of the Solicitor, U.S. Department of Labor, New York, NY

J. Elizabeth Davis, Esq., Office of the Solicitor, Division of Civil Rights, U.S. Department of Labor, Washington, DC
Eleanor Jenkins Lauderdale, Esq., Office of the Solicitor, Fair Labor Standards Division, U.S. Department of Labor, Washington, DC

3:00-5:00 — **"Corporate Retainer of Outside Counsel,"** sponsored by the NBA Institutional Lawyers Section — LaSalle B, Level 5
(This seminar will discuss general criteria used by major corporations and law firms to evaluate, hire, retain, and associate outside private counsel.)
Moderator:
James O. Cole, Esq., Senior Counsel, The Clorox Company, Oakland, CA
Panelists:
Otis M. Smith, Esq., Vice President and General Counsel, General Motors Corporation, Detroit, MI
Charles A. King, Esq., Vice President and General Counsel, Metropolitan Property and Liability Insurance Company, Warwick, RI
Matthew J. Whitehead, II, Esq., Division Counsel, IBM Corporation, White Plains, NY
Grady Murdock, Esq., Senior Attorney, Burger King Corporation, Miami, FL

3:00-5:00 — **"The Burger Court: The Impact of Procedural and Jurisdictional Changes on the Enforcement of Civil Rights,"** sponsored by NBA Civil Rights Section — Cadillac A, Level 5
Moderator:
O'Neal Smalls, Esq., Professor of Law, American University, Washington, DC
Topic: Federal Actions to Restrain State Officials

Panelists:
The Hon. Ricardo M. Urbina, Associate Judge, Superior Court of the District of Columbia, Washington, DC
Topic: Habeas Corpus
Miguel Angel Mundy-Longoria, Esq., Associate Professor, Stanford Law School, Stanford, CA
Topic: Burden of Proof in Title VII Cases
Daniel O. Bernstine, Esq., Associate Professor of Law, University of Wisconsin, Madison, WI
Topic: Federal Action to Restrain State Courts

3:00-5:00 **"Doing Business in the International Context,"** sponsored by NBA International Affairs Committee — Richard A, Level 5

3:00-5:00 **"Violence: A Review of Available State and Federal Remedies,"** sponsored by NBA Criminal Law and Juvenile Justice Section — Nicolet A, Level 5
Moderator:
Daniel Weber, Esq., Past President, California Association of Black Lawyers, San Diego, CA
Panelists:
H.L. McCormick, Administrative Law Judge, Social Security Administration, Kansas City, MO
Robert L. Harris, Esq., Past President, National Bar Association, San Francisco, CA

3:00-5:00 **"The Impact of the New Patent Laws on Small Colleges and Businesses Regarding Inventions Made Under Government Contracts,"** sponsored by NBA Legislative and Patent Law Sections — Duluth B, Level 5
Panelists:
Maudine Cooper, Esq., Chair, NBA Legislative Section, Vice President, Washington Office, National Urban League, Washington, DC

Leonard Williamson, Esq., Chair, NBA Patent Law Section, Patent Attorney, Proctor & Gamble, Cincinnati, OH
Sidney B. Williams, Esq., Upjohn Company, Kalamazoo, MI

5:00-7:00	**THIRD PLENARY SESSION AND "MEET THE CANDIDATES"** **Presiding:** *William A. Borders, Jr., Esq.* President, NBA (Regional Caucuses will be held immediately following the Third Plenary Session)	Renaissance Ballroom, Level 4 (Cartier)

Thursday—July 30, 1981

9:00-5:00	**REGISTRATION AND EXHIBITS**	Ontario Exhibit Hall, Level 3
10:00-4:00	**ELECTIONS**	Ontario Exhibit Hall, Level 3
	SEMINARS	
10:00-12:00	**"The Legal Elements of Franchise Operations,"** sponsored by NBA Commercial Law Section **Moderator:** *Leroy Wilson, Jr., Esq.*, Member, NBA Commercial Law Advisory Council, New York, NY **Panelists:** *Charles S. Johnson, III, Esq.*, Alston, Miller & Gaines, Atlanta, GA *C.J. Walton, Esq.*, Staff Attorney, Burger King Corporation, Miami, FL	Joliet B, Level 5
10:00-12:00	**"Representing Public Employees Before the Federal Labor Relations Authority and the Merit System Protection Board,"** sponsored by NBA Labor Law Section **Moderator:** *J. Larry Frazier, Esq.*, Federal Labor Relations Authority, Washington, DC	Marquette A, Level 5

Panelists:
Hon. Leon B. Applewhaite, Member, Federal Labor Relations Authority, Washington, DC
Brenda Robinson, Regional Director, Federal Labor Relations Authority, Atlanta, GA
Jessie James, Jr., Assistant Special Counsel for Prosecution, Office of the Special Counsel, Merit System Protection Board, Washington, DC
Sara Rearden, Esq., Merit System Protection Board, Washington, DC
Squire Padgett, Esq., Senior Trial Attorney, Federal Enforcement Section, Civil Rights Division, U.S. Department of Justice, Washington, DC

10:00-12:00 **"Attorney/Client Privileges for In-House Counsel After Upjohn,"** sponsored by NBA Institutional Lawyers Section — LaSalle B, Level 5

Moderator:
Thomas J. Jones, Esq., Associate Corporate Attorney, Continental Telephone Corporation, Washington, DC

Panelists:
Joyce Hughes, Esq., Professor of Law, Northwestern University, Chicago, IL
Edward W. Gray, Jr., Esq., Senior Attorney, R.R. Donnelly & Sons Company, Chicago, IL
Brenda Fluker, Esq., Senior Attorney, Liberty Mutual Insurance Company, Boston, MA
Peter A. Greenlee, Esq., Office of General Counsel, U.S. Department of Energy, Washington, DC

10:00-12:00 **"The New International Economic Order,"** sponsored by NBA International Affairs Committee — Cadillac A, Level 5

10:00-12:00 **"All You Ever Wanted To Know About IRS But Were Afraid To Ask—Part I:** — Richard A, Level 5

	Selection & Examination of Returns and Collection Processes Including Civil and Criminal Aspects," sponsored by NBA Tax Law Section **Moderator:** *Alice Gresham, Esq.*, Chair, NBA Tax Law Section, Professor of Law, Howard University, Washington, DC **Panelists:** *Ray Spillman*, Deputy Assistant Commissioner, (EP/EO), IRS, Washington, DC *Paul Thornton*, Assistant District Director, Detroit District, IRS, Detroit, MI *Charles Parks*, District Director, Detroit District, IRS, Detroit, MI *Obbria Taylor*, Branch Chief, Criminal Investigation Division, Detroit District, IRS, Detroit, MI *Ron Pitts*, Manager, Estate and Gift Division, Detroit District, IRS, Detroit, MI *Brenda Keaton*, Assistant Chief, Taxpayer Service Division, Detroit District, IRS, Detroit, MI	
10:00-12:00	**"Organizational and Institutional Strategies for Economic Development and Community Empowerment,"** sponsored by NBA Legislative Section **Panelists:** *Gerald A. Neal, Esq.*, Senior Partner, Neal and Curtis, Louisville, KY *Sterling Neal, Esq.*, President, Sable Enterprises, Louisville, KY	Duluth B, Level 5
12:30-3:00	**NATIONAL BARRISTERS' WIVES INC. LUNCHEON AND FASHION SHOW**	Renaissance Ballroom, Level 4 (Columbus)
	SEMINARS	
3:00-5:00	**"The Anatomy of a Personal Injury Case,"** sponsored by NBA Young Lawyers Section	Brule B, Level 5

Moderator:
John A. Turner, Jr., Esq., Dixon and Turner, Washington, DC
Panelists:
The Hon. Paul Webber, III, Superior Court of the District of Columbia, Washington, DC
Cheryl M. Long, Esq., Assistant U.S. Attorney, Washington, DC
Ronald W. Crenshaw, Esq., Ronald W. Crenshaw and Associates, P.C., Washington, DC
Ronald C. Jessamy, Esq., Hudson, Leftwich & Davenport, Washington, DC
Theodore Spearman, Esq., Cockrel, Cooper, Spearman & King, Washington, DC
Herman J. Anderson, Herman J. Anderson, P.C., Washington, DC

3:00-5:00 **"All You Ever Wanted To Know About IRS But Were Afraid To Ask—Part II: Legal Process: Administrative Review and Initiation of Court Action,"** Richard A, Level 5
sponsored by NBA Tax Law Section
Moderator:
Alice Gresham, Esq., Chair, NBA Tax Law Section, Professor of Law, Howard University, Washington, DC
Panelists:
Powell Holly, Office of Chief Counsel, District Council, IRS, Hartford, CT
Joseph Hairston, Director, Administrative Services Division, Office of Chief Counsel, IRS, Washington, DC
Frank Phillips, Esq., Assistant District Counsel, Office of Chief Counsel, IRS, Los Angeles, CA
Diane Renfroe, Esq., Attorney Advisor, Legislative and Regulations Division, Office of Chief Counsel, IRS, Washington, DC

Jack B. Johnson, Esq., Senior Attorney, Interpretative Division, Office of Chief Counsel, IRS, Washington, DC
Marshall Whitley, Esq., Trial Attorney, Central Region Tax Division, Department of Justice, Washington, DC
James F. Walker, Assistant Chief, Criminal Section Tax Division, Department of Justice, Washington, DC
G. Stephen Saunders, Esq., Ginsberg, Feldman, Weil & Bress, Washington, DC

3:00-5:00 **"Arbitration and Special Concerns of Minorities," (Commercial, Labor and International)**—special seminar developed by the American Arbitration Association — Cadillac A, Level 5

Moderator:
Earl C. Brown, Esq., Regional Director, American Arbitration Association, Cleveland, OH
Panelists:
Gail P. Burroughs, Esq., Clerk, Justice of New York Supreme Court, New Rochelle, NY
Samuel E. McCargo, Esq., Riley & Roumell, Detroit, MI
Rosemary S. Page, Associate General Counsel, American Arbitration Association, New York, NY

3:00-5:00 **"Recent Developments in the Patent, Trademark, and Copyright Office,"** sponsored by NBA Patent Law Section — LaSalle B, Level 5

Moderator:
Leonard Williamson, Esq., Chairman, NBA Patent Law Section, Patent Attorney, Proctor & Gamble Company, Cincinnati, OH
Panelists:
S. Preston James, Esq., Patent Attorney, Dow Chemical Company, Midland, MI

Patricia C. Ives, Esq., Patent Examiner, Washington, DC
Howard Flournoy, Esq., Mobile Corporation, Fairfax, VA
Hosea Taylor, Esq., Former U.S. Supervisory Patent Examiner, Washington, DC
Charlotte Gimmens, Esq., Copyright Examiner, Washington, DC
Paula Hairston, Esq., U.S. Trademark Examiner, Washington, DC
Wallace Burke, Esq., U.S. Primary Patent Examiner, Washington, DC

5:00-7:00 **Reception Honoring President-Elect, hosted by the Wolverine Bar Association and the NBA Women Lawyers Section, University Club, 1411 East Jefferson, Detroit, MI**

Friday, July 31, 1981

9:00-1:00 REGISTRATION AND EXHIBITS — Ontario Exhibit Hall, Level 3

9:00-1:00 Election Run-Off (if required) — Ontario Exhibit Hall, Level 3

SEMINARS

10:00-12:00 "Successful Law Office Management," sponsored by NBA Commercial Law Section — Joliet B, Level 5

Moderator:
Cora T. Walker, Esq., Walker & Bailey, Co-Chair, NBA Commercial Law Advisory Council New York, NY
Panelists:
Robert I. Weil, Esq., Altman & Weil, Ardmore, PA
Ronald Samuels, Esq., Washington, Kennon, Hunter, & Samuels, Chair, NBA Commercial Law Advisory Council, Chicago, IL
Jesse J. McCrary, Esq., Private Practitioner, Miami, FL

10:00-12:00 **"Legitimizing the Child and Collecting Child Support,"** sponsored by NBA Women Lawyers Section — Marquette A, Level 5

Moderator:
Gwynne Wilcox, Esq., Staff Attorney, Middlesex County Legal Services, New Brunswick, NJ

Panelists:
Hon. Clarence R. Parrish, Judge, Circuit Court Branch #21, Milwaukee, WI
Benjamin O. Burns, Esq., Private Practitioner, Lafayette, LA
Sheila M. Parrish, Esq., Assistant District Attorney, Racine, WI
Arnie Brown Kennedy, Esq., Winston-Salem, NC

10:00-12:00 **"Forum: Employment Trends for Black Workers in the 1980's—A Crisis?"** sponsored by NBA Labor Law Section — LaSalle B, Level 5

Moderator:
Valerie E. Brathwaite, Esq., National Labor Relations Board, Washington, DC

Panelists:
Congressman John Conyers, Member, U.S. House of Representatives, Detroit, MI
Hon. Leon B. Applewhaite, Member, Federal Labor Relations Authority, Washington, DC
J. Clay Smith, Commissioner, Equal Employment Opportunity Commission, Washington, DC

10:00-12:00 **"Voting Rights Act Extension—A Matter Of Right,"** sponsored by the NBA Board of Governors — Nicolet A, Level 5

Moderator:
Lucy Thornton Edwards, Esq., Joan A. Burt, P.C., Washington, DC

Panelists:
Elaine R. Jones, Attorney, NAACP Legal Defense Fund-Washington Office, Washington, DC

	Lani Guinier, Attorney, NAACP Legal Defense Fund-Washington DC *Herbert O. Reid*, Legal Counsel to District of Columbia Mayor Marion Barry, and *Charles Hamilton Houston* Distinguished Professor of Law-Howard University School of Law, Washington, DC	
10:00-12:00	**"Self-Determination and the Third World: Striking the Balance,"** sponsored by the Black American Law Students Association (BALSA)	Cadillac A, Level 5
12:00-1:00	**Open Lunch**	
1:00-4:00	**CLOSING PLENARY SESSION** Final Voting Resolutions, Constitution and By-Laws Amendments, Future Convention Site Selection	Mackinac Ballroom, Level 5
7:00	**AWARDS BANQUET** **Guest Speaker:** *Willie L. Brown, Jr.*, Speaker of the California State Assembly, San Francisco, CA **Installation of NBA Officers for 1981-82**	**Renaissance Ballroom, Level 4 (Columbus)**

Saturday, August 1, 1981

10:00-12:00	**NBA Board of Governors Meeting** Adjournment	Mackinac East, Level 5

Affiliates

Alabama Lawyers Association
Montgomery, Alabama

Arizona Black Lawyers Association
Phoenix, Arizona

Association of Black Attorneys of San Diego
San Diego, California

Association of Northern California Black Women Lawyers
San Francisco, California

Bedford Stuyvesant Lawyers Association
Brooklyn, New York

Ben F. Jones Chapter, NBA
Memphis, Tennessee

Black Lawyers Association of Cincinnati
Cincinnati, Ohio

Black Women Lawyers Association of California
Los Angeles, California

Buffalo Chapter, NBA
Buffalo, New York

California Association of Black Lawyers
San Diego, California

Charles Houston Bar Association
Oakland, California

Cleveland Lawyers Association
Cleveland, Ohio

Cook County Bar Association
Chicago, Illinois

Florida Chapter, NBA
Stuart, Florida

Fort Worth Black Lawyers Association
Fort Worth, Texas

Garden State Bar Association
East Orange, NJ

Gate City Bar Association
Atlanta, Georgia

Harlem Lawyers Association
New York, New York

Harrisburg Black Attorneys Association
Harrisburg, Pennsylvania

Homer S. Brown Bar Association
Pittsburgh, Pennsylvania

Houston Lawyers Association
Houston, Texas

Iowa Bar Association
Des Moines, Iowa

J. L. Turner Legal Society
Dallas, Texas

John Harlan Law Club
Cleveland, Ohio

John W. Rowe Chapter, NBA
Lexington, Kentucky

Kansas City Bar Association
Kansas City, Kansas

Kentucky Chapter, NBA
Louisville, Kentucky

Langston Bar Association
Los Angeles, California

Loren Miller Law Club
Seattle, Washington

Louis A. Martinet Legal Society
New Orleans, Louisiana

Macon B. Allen Law Society
St. Albans, New York

Magnolia Bar Association
Greenville, Mississippi

Massachusetts Black Lawyers Association
Boston, Massachusetts

Monumental City Bar Association
Baltimore, Maryland

Mound City Bar Association
St. Louis, Missouri

Mountain State Bar Association
Huntington, West Virginia

Napier-Looby Chapter, NBA
Nashville, Tennessee

North Carolina Association of Black Lawyers
Chapel Hill, North Carolina

Old Dominion Bar Association
Surry, Virginia

Sacramento Association of Black Attorneys
Sacramento, California

Sam Cary Bar Association
Denver, Colorado

South Carolina Black Lawyers Association
Columbia, South Carolina

The Association of Black Lawyers of Westchester County, Inc.
New Rochelle, New York

The Barristers Association of Philadelphia
Philadelphia, Pennsylvania

The Robert B. Elliott Law Club
Columbus, Ohio

The Wiley W. Manuel Law Society
Sacramento, California

Thurgood Marshall Law Association
Gary, Indiana

Washington Bar Association
Washington, DC

Wolverine Bar Association
Detroit, Michigan

Exhibitors

A.M. Jacquard

Carleton College/NBA Scholars

Commerce Clearing House

Encyclopaedia Britannica

Federal Trade Commission

Matthew Bender

Office of Hearings and Appeals, SSA

The Lawyers Co-Operative Publishing Co.

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U.S. Dept. of Justice

U.S. Dept. of State

Voting Rights Act Extension

Special Contributions

Anheuser Busch, Inc.

Ford Motor Company

Hiram Walker, Inc.

Philip Morris U.S.A.

United Auto Workers

Permanent Convention Committee

Robert L. Harris, Chair

Honorable Alice Bonner

LeRoy W. Daggs

Arthenia L. Joyner

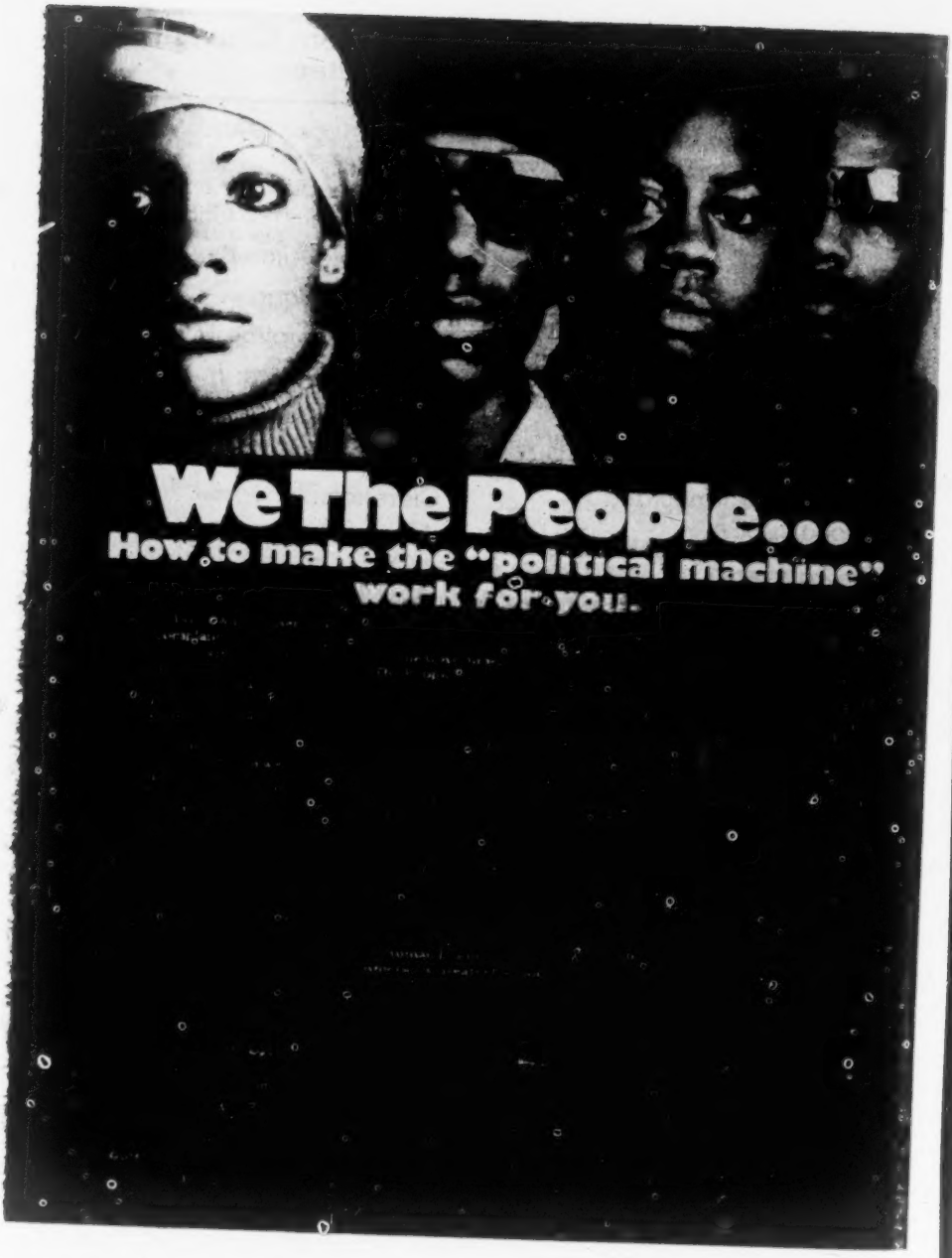
Walter L. Sutton, Jr.

James Booker

Edith Parker Corlette

Clarence D. Rogers, Jr.

21-613 O—89——31


We The People...
How to make the "political machine"
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Ford Lusitana S.A.R.L.
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Buenos Aires, Argentina

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Ford Philippines Inc.
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Ford Mid-East and Africa, Incorporated
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Ford Motor Company of South Africa (Proprietary) Limited
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At Ford we welcome outside thinking . . . from inside the Incredible World of Ford.

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The Incredible World of Ford.

Ford

Legal Positions with the Social ★ Security Administration ★

The Office of Hearings and Appeals, SSA, wants you to become a member of the largest corps of **Administrative Law Judges** employed by the Federal government. We employ more than 650 ALJs located in 128 offices nation-wide. Independent and professional, ALJs are responsible for holding hearings and rendering decisions on appeals of determinations made in the course of administering the Social Security Act, as amended.

The salary begins at $44,547.00 per year, which is the current rate for grade GS-15 in the Federal government. In addition, ALJs participate in all of the benefits available to Federal employees, including: 13 days of paid sick leave per year; 13 days of paid vacation per year for the first three years of Federal service with additional days for longer length of service; a choice of various types of hospital, surgical, and medical insurance for yourself and your family, paid for on a joint contributory basis; optional low-cost term life insurance; and coverage under the U.S. Office of Personnel Management Retirement System.

In order to minimally qualify for **Administrative Law Judge** positions, an applicant must be, and for seven years prior thereto, duly licensed and authorized to practice as an attorney under the laws of a State or the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the Constitution.

The Office of Hearings and Appeals also employs **Attorneys** who render legal advice and assistance to the ALJs in pre-hearing development and preparation of cases for hearings, preparation of the decision, and other post-hearing actions. Depending on prior experience, the beginning salary range is from $18,585.00 to $26,951.00 per year, which are the current rates for grades GS-9 to GS-12 in the Federal service. All of the benefits available to Federal employees also accrue to Attorneys. Minimum qualifications required for this position are an LL.B. or J.D. degree and membership in the Bar.

For more information regarding **Administrative Law Judge** or **Attorney** careers with the Social Security Administration. Contact us by writing to: **Personnel Officer, Office of Hearings and Appeals, SSA, P.O. Box 2518. Washington, D.C. 20013.**

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FOR MARKET COMPETITION IN THE CONSUMER INTEREST

The Federal Trade Commission is an independent law enforcement agency charged by Congress with protecting the public—consumers and businessmen alike against anticompetitive behavior and unfair and deceptive business practices.

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WRITE

The Division of Personnel
Federal Trade Commission
6th & Penn. Ave., N.W.
Washington, DC 20580

Equal Employment Opportunities

RESPONDENT'S EXHIBIT #85

BARBARA E. WHITING
2831 HILLCREST DRIVE, S. E.
WASHINGTON, D. C. 20020
(202) 583 3699

NATIONAL BAR ASSOCIATION
DIRECTOR, REGION IV
Maryland, Virginia,
West Virginia, South Carolina,
North Carolina, District of Columbia

1980 - 81

September 21, 1981

To: All Sponsors of the "Champagne Dinner Cruise" Honoring William A. Borders, Esquire, President NBA 1980-81 on October 9, 1981.

From: Barbara E. Whiting, Co-ordinator

During the past week, approximately September 11 - 14, 1981, all of you should have received your invitation to the "Champagne Dinner Cruise" on October 9, 1981. Please note that the day was changed from the October 16, date stated in you August 24, 1981, letter because all of the D. C. Courts' judges are going to be out of town on the 16th. Further, due to a delay at the printer, the invitations were mailed much later than anticipated. The reply date has been actually extended to September 25, 1981.

To Alcee, Warren, Jesse, T. J., Ted, Dudley, Bill Lewis, Joyce Mitchell, Marvin, and Carolyn, I wish to express my appreciation for the payment of your $100 assessment.

To those of you who have contacted me and promised me your assessment, this is a reminder that you must mail it to me no later than September 28, 1981.

And, finally to the remainder of you that I have neither received your $100 or any type of communication, it is urgent that you response to me IMMEDIATELY. In my letter of August 24, 1981, copy attached, I stated that you had been selected as one of the sponsors of this affair. I waited more that 10 days to hear from you. Receiving no negative response at that time, I gave the printer the final ok to print the invitation including your name as a sponsor. Since I did not receive any negative responses, I assumed that you were in agreement with the points stated in the letter, and that you accepted the role of the sponsor and the assessment of $100. Today, I have not received any communication from you, neither to the letter or the formal invitation. You must communicate with me immediately because (1) the total success of this affair depends on you, and (2) I must make other arrangements if I do not have your money before October 1, 1981. Questions may be directed to me at my office - (202) 566-8237 or home - (202) 583-3699, or to Carolyn Howard at (703) 978-1958.

So far the reponses have been very favorable. I mailed out 450 invitations for a total capacity of 175. I do hope that we do not sell more tickets than we cannot accommodate. Further, if you have not returned your check for your dinner passage, please do so immediately because I would hate to have to leave some of the sponsors on the shore because we had a "Sell Out" before you purchase YOUR TICKETS.

Again, thanks to all of you for your participation and support in this endeavor.

DEFENDANT'S EXHIBIT 5

Gala Celebration Dinner Cruise

Honoring

William A. Borders, Esquire

President National Bar Association

1980-81

Friday evening, October 9, 1981

The Dandy "Cruise Ship

Zero Prince Street

Old Town Alexandria, Virginia

IC 2306 B

"A CHAMPAGNE DINNER CRUISE"

TOASTPERSON	Barbara E. Whiting
WELCOME and INTRODUCTIONS	
PRESENTATIONS OF AWARDS	
	Dudley R. Williams
	Joyce A. Mitchell
	Carolyn Y. Howard
	Arnette R. Hubbard President, National Bar Association
	The Honorable Alcee Hastings
RESPONSE	William A. Borders
CLOSING TOAST	Ozro T. Wells

RESPONDENT'S EXHIBIT #86

ALCEE L. HASTINGS, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

August 27, 1981

Ms. Barbara E. Whiting
2831 Hillcrest Drive, S.E.
Washington, D.C. 20020

Dear Barbara:

Enclosed is my check per your request.

I sincerely feel that the cause is a most worthy one.

I sure hope it succeeds.

Sincerely,

Alcee

ALH/baw

P.O. BOX 011209 MIAMI, FLORIDA 33101 (305) 350-4289

1981 253rd day—112 days follow

THURSDAY 10 SEPTEMBER

Pltns #3

Parsons

8:30 - 5:15 CR 78-69 — Jury Trial Resumed — USA vs VICKERS HAIR — Henry Frederick / Joel Hirschhorn

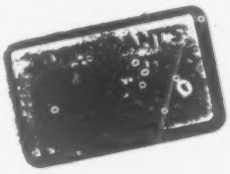
1 PM - 1:30 #81-42 CR — Hearing re Medical Condition — USA (No appearance)

Arraignment Waived Plea of Not Guilty entered — Leandro Mercado (Susan Astrin) — James Burke (Grand Interpreter)

1:30 PM CR 81-601 3 1:30 - 2 PM — Sentence — U.S. vs Alan Jay Gardner — Michael Hershey AUSA / Neil Jaffee

CIV 81-1260 5:30 PM - (6 PM) — Haitian Hearings Resumed

Elaine Torres ~~Andy Schwartz~~



RESPONDENT'S EXHIBIT #88

Steno #4

SEPTEMBER 11 FRIDAY 1981 254th day—111 days follow

Miami

Jury Trial Resumed

9:00 — 2:40 USA Henry Frederick

CR 78-69 vs

Vicknair Joel Hirschhorn

X Defendant's Case (Re-written)

Closing

Jury charge

Verdict

RESPONDENT'S EXHIBIT #89

[Whereupon, the jury was excused from the courtroom.]

THE COURT: There was one thing I wished to take care of, and that was the gathering of evidence. The other thing I need to know, Mr. Owens, without trying to pin you down and not contemplating at all unforseen problems that may arise, what are we talking about in the way of time now for the Government to conclude its case?

MR. OWENS: Assuming that Mr. Abbate takes all day tomorrow, which he may, I think if we move quickly on Friday, I should be able to finish-- I mean Monday, finish by Monday our case in chief, certainly by Tuesday morning.

Now, if Mr. Abbate doesn't take all day long, we will be that much farther ahead.

MR. ROSEN: We are looking at, I think, Tuesday, Wednesday. I've got like eight or nine subpoenas out. I don't know if I will use them all. A lot of it depends on what Mr. Abbate says.

THE COURT: Let me indicate to you what I have in the way of a slight problem.

I am due in Tallahassee on the night of the seventh, which doesn't present any immediate problem, I will be there the day of the eighth, and

can return for Friday the ninth, if need be.

But if you all can make your matters be as swift as possible, then I would think that I could get out of here on Wednesday night, assuming that the deliberations didn't go on.

I have committed myself to that some seven months ago and I intend to keep it, so if it requires my coming back, I will.

All right, then, I will see you all in the morning at 9:30. On that score, you may want to come in at 9:00 and discuss and have all interested parties here so as how we might undertake some concerns that might be had by others, because I am not going to take very much of my time in this trial to hear from the State of Florida, Mike. So you may very well want to have them here first thing in the morning.

MR. OWENS: I'm not responsible for the State. I will tell them, and they are responsible for their own activity.

MR. ROSEN: Should I be here at 9:00?

THE COURT: I think that the lawyers ought to assemble at 9:00. I have announced for the jury at 9:30 I really don't think Mr. Santarelli's presence is going to be required for these arguments, unless you insist or he insists.

RESPONDENT'S EXHIBIT #93

ITINERARY FROM SEPTEMBER 19, 1981 THROUGH SEPTEMBER 30, 1981

SATURDAY, SEPTEMBER 19, 1981 -- Ft. Lauderdale to Orlando & Return

1. Departs Ft. Laud. at 7:05A - Arrives Orlando at 7:47A ($72.00)
   Republic #212

2. Departs Orlando at 9:45P - Arrives Ft. Lauderdale at 10:25P
   Republic #472

SUNDAY, SEPTEMBER 20, 1981

1. 9:30AM - Leo Gelber - "PROMISES MADE & PROMISES KEPT - AN AFTERMATH OF THE MAY 18 MIAMI RIOTS"
   5950 North Kendall Drive - Youth Lounge
   667-6667

2. 11:00AM - MEN'S DAY OBSERVANCE - Kathy Stubbs
   Greater Mt. Zion AME Church
   5020 SW 18th Street
   West Hollywood, FL

TUESDAY, SEPTEMBER 22, 1981 - Miami to Gainesville & Return ($116.00)

1. ZORA NEAL HURSTON FELLOWSHIP AWARD FUND RAISING DINNER
   University of Florida - Student Union Building
   6:00PM

2. Departs Miami at 9:05A - Arrives Gainesville at 10:00A
   Eastern #322

3. Departs Gainesville at 9:50P - Arrives Miami at 10:42P
   Eastern #819

FRIDAY, SEPTEMBER 25, 1981

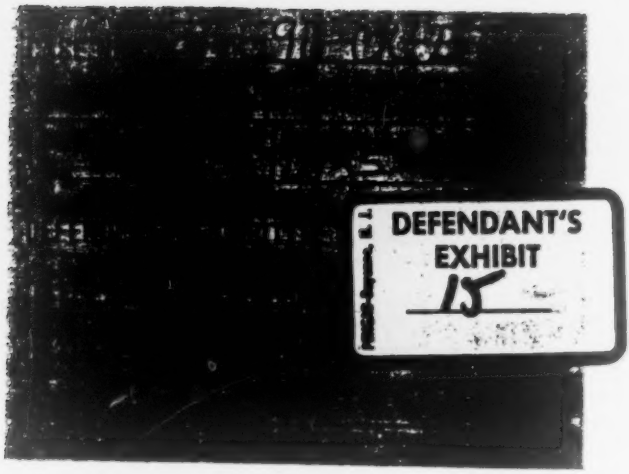
1. VENUS CLUB - TESTIMONIAL BANQUET HONOREE-REV. HORACE LEWIS
   7:00PM
   Mount Olive Banquet Room
   400 NW 9th Avenue
   Ft. Lauderdale, FL

SATURDAY, SEPTEMBER 26, 1981

1. WHITNEY YOUNG JUNIOR AWARD (Urban League of Greater Miami)
   6:30 - 7:30PM - Cocktails
   8:00 Dinner
   International Ballroom - OMNI
   (Free parking PURPLE CONCOURSE - Retain Stub of Ticket and give to cashier on way out)

WEDNESDAY, SEPTEMBER 30, 1981

1. 4:00PM - 6:00PM WINE & CHEESE RECEPTION (Urban League of Broward)
   Cafe De Paris
   715 East Las Olas Boulevard
   Ft. Lauderdale, FL


DEFENDANT'S
EXHIBIT
15

RARY JUDGE ALCEE HASTINGS

DATE	AIRLINE	FLT	DEPARTURE	TIME DEPART	ARRIVE	ARRIVAL
9/1♦/81	EASTERN	#176	MIAMI	3:48P	6:00P	WASHINGTON, D.C.
9/13/81	US AIR	#716	WASHINGTON	10:30A	11:15A	HARRISBURG, PA
				3:00	3.44	
9/14/81	USA AIR	#169	HARRISBURG	~~4:16P~~	~~5:00P~~	PITTSBURG
	EASTERN	#739	PITTSBURG	6:51P	9:09P	FT. LAUDERDALE

HOTEL: (121) 4.50 8.13

CAR:

$453.00

DEFENDANT'S EXHIBIT

RESPONDENT'S EXHIBIT #94

A. MITCHELL 6-5300
4810 ROOM, BROADWAY 5-1222

LOWER GWYNEDD TOWNSHIP POLICE

EDWARD W. HANCOCK, Chief
SPRING HOUSE, MONTG. CO., PA. 19477

July 29, 1981

The Honorable Alcee L. Hastings
2970 N.W. 55th Avenue
Apartment B-1
Fort Lauderdale, Florida 33313

RE: Keynote Speech for Juvenile Officers
September 14, 1981
Marriott Hotel, Harrisburg, Pennsylvania

Dear Judge Hastings:

On behalf of the Pennsylvania Juvenile Officers Association, I would like to invite you to participate in a training seminar for Juvenile Police Officers, to be held in Harrisburg, Pennsylvania on September 13 through September 17th. It is hoped that you will be our keynote speaker on September 14th at 9:15 a.m.

Please reply and indicate your requirements. We are prepared to pay an honorarium, transportation and lodging. My assistant Susan Peikes Gantman, Esquire spoke to your secretary on Wednesday. She can be reached at (215) 272-5300. Kindly confirm with me or Susan. Thank you for your consideration. I am looking forward to seeing you again.

Sincerely,

Gary R. O'Connor

Gary R. O'Connor
Detective Lower Gwynedd
Chairman, Education and Training

Return Address

Box 293'
Spring House, Pennsylvania 19477

MITCHELL 6-4200
ROOM, BROADWAY 5-1222

LOWER GWYNEDD TOWNSHIP POLICE

P. O. Box 293
SPRING HOUSE, MONTG. CO., PA. 19477

August 24, 1981

Dear Guest Lecturer:

The Pennsylvania Juvenile Officers are pleased that you have agreed to speak at our Seminar to be held at the Marriott Hotel in Harrisburg, Pennsylvania on September 13 - 17, 1981. Enclosed is a copy of the final schedule.

Please confirm your transportation requests in advance. I shall be happy to make the hotel reservation for you and to be certain that someone will be available to meet your plane or train.

I have designated the time and date of your lecture in yellow marker in the brochure. If this time is incorrect or you would require a change in the date, please call me immediately.

I am looking forward to working with you. If you have any questions, please do not hesistant to call. If I am unavailable, please call my assistant, Susan Peikes Gantman at (215) 272-5300. Thank you for your consideration. Kindly forward any materials which you would like duplicated for our educational booklet by September 1, 1981. Please send a resume to be used for introductions.

Sincerely,

Gary R. O'Connor

Gary R. O'Connor

Chairman Seminar

Transportation -- Please confirm time received

A Reservation has been made for you on Sept. 13 1981.

If you would like a reservation for Sept 14, please advise

ALCEE L. HASTINGS, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

September 3, 1981

Detective Gary O'Connor
Seminar Chairman
Lower Gwynedd Township Police
P.O. Box 293
Spring House, PA 19477

Dear Detective O'Connor:

Thank you for your letter of August 24, 1981 confirming my commitment to participate as guest speaker at your Seminar on September 14, 1981 at 9:30AM.

Pursuant to your inquiry regarding my time of arrival in Harrisburg, I will be arriving on September 13 at 11:15AM on US Air's Flight #716 and departing at 4:16PM on Monday, September 14 on US Air's Flight #169. Further, I have enclosed a copy of my biographical data for your perusal.

Thank you for your assistance in arranging my hotel accommodation. I look forward to seeing you soon.

Sincerely,

Alcee L. Hastings

ALCEE L. HASTINGS

ALH/baw

Enclosure

P.O. BOX 011200 MIAMI, FLORIDA 33101 (305) 350-4289

JUVENILE POLICE SPECIALIST: TRAINING FOR THE EIGHTIES
SEPTEMBER 13-17, 1981

LOCATION: MARRIOTT, HARRISBURG, PENNSYLVANIA

REGISTRATION: No Fee (Tuition paid for by Pennsylvania Commission on Crime and Delinquency)- Limited to 200 Juvenile Police Officers and allied fields

ROOM RATES: Singles $40
Doubles $47

SPONSOR: Pennsylvania Juvenile Officers Association and the Pennsylvania Commission on Crime and Delinquency

TOPICS: A training seminar emphasizing recent changes in State Law, diversion practices, maintenance of a viable juvenile unit, investigation and legal analysis of physical and sexual abuse of children, the use of lockups and juvenile burglary. A copy of schedule is attached.

Certificate of Achievement to be awarded upon completion of training. Two lunches and one dinner are included at no expense to participant.

Attendees will be registered on a first come first served basis. Kindly complete the registration form below and return it immediately. The seminar is open to 200 Juvenile Police Officers in Pennsylvania. A separate form is provided for those who will reserve space at the hotel. Please use this form to obtain the special rate!

If you have any questions, please feel free to contact a member of the Training Conference Coordinating Committee. We hope to see you there.

Sincerely,

Detective Gary R. O'Connor, Seminar Chairman, Lower Gwynedd Police (215) 646-5300
Lt. Charles Coughlin, Vice-Chairman, McKeesport Police Department (412) 675-5011
Officer John Strimmel, Bucks County, Bristol Township
Officer David Raum, Chester County, Tredeffrin Township
Detective Michael Brennan, Delaware County, Springfield Township
Sergeant Frank Nagorski, Northeast Pennsylvania, Hanover Township
Detective James Keiper, Northeast Pennsylvania, Kingston Police
Officer Walter Howell, Lehigh, Easton Northampton, County Police
Officer Don Shaffer, Elizabethtown, Pa. Lebanon, Lancaster and Berks Counties.
Detective Anton Leppler, Dauphin County, Derry Township
Officer Joseph Traina, Philadelphia County

Pennsylvania Juvenile Officers Association

JUVENILE POLICE SPECIALIST: TRAINING FOR THE EIGHTIES

HARRISBURG, PENNSYLVANIA

SUNDAY - SEPTEMBER 13, 1981

1600 - 1700 Registration
1900 Reception

MONDAY - SEPTEMBER 14, 1981

0800 - 0900 Registration
0900 Introductions and Welcome
INSPECTOR THOMAS ROSELLI, Commanding Officer, Juvenile Aid Division, Philadelphia County
President PAJOA

DETECTIVE GARY R. O'CONNOR, Lower Gwynedd, Pennsylvania Police
Director Seminar

0930 KEYNOTE ADDRESS
ALCEE L. HASTINGS, JUDGE,
Fort Lauderdale, Florida

1030 - 1215 Maintaining a Viable Juvenile Unit in era of diminished financial resources.
SERGEANT JACK SHEPARD, Juvenile Division Michigan State Police

1215 - 1400 Luncheon

SPEAKER: THE HONORABLE LEROY S. ZIMMERMAN
Attorney General, Commonwealth of Pennsylvania

1400 - 1630 Investigation and Legal Analysis of Physical and Sexual Abuse of Children; Techniques for Interviewing the child witness.

SUSAN PEIKES GANTMAN, ESQUIRE, Solicitor, Children and Youth Services, Montgomery County,
Former Assistant District Attorney

PROFESSOR HARRY O'REILLY, Retired Sergeant, New York City Police, for Sex Crimes Analysis Unit
Professor John Jay College of Criminal Justice.

TUESDAY - SEPTEMBER 15, 1981

0900 - 0915 Announcements

0915 - 1015 Legal Considerations of the use of Police Department Lockups for Juveniles

THOMAS F. HALLORAN, ESQUIRE, Deputy Attorney General, Director Community Advocate Unit Youth Project.

1030 - 1200 Juvenile Burglary

PROFESSOR HARRY O'REILLY

DETECTIVE JOSEPH GOEBEL, Cheltenham Township Police, Juvenile Division

1200 - 1330 Luncheon on your own

1330 - 1600 Diversion Criteria and Definition

SERGEANT JACK SHEPARD

1900 Reception

2000 Dinner - Guest Speaker

WEDNESDAY - SEPTEMBER 16, 1981

0900 - 0915 Announcements

0915 - 1115 Sexual Exploitation of Children

DAVID P. SHOUVLIN, ESQUIRE
Director of Legal Services, Covenant House, New York

1130 - 1230 Delinquency Causation

BERNARD STERN, Ph.D
Philadelphia, Pennsylvania,
Director, Juvenile Justice Evaluation and Treatment

1230 - 1400 Luncheon

1400 - 1600 The Detention Question

THE HONORABLE MAXWELL E. DAVISON, JUDGE, Court of Common Pleas Lehigh County.

ANTHONY GUARNA, CHIEF, Juvenile Probation, Montgomery County

DETECTIVE ANTON LEPPLER, Derry Township, Hershey, Pennsylvania

LT. CHARLES COUGHLIN, McKeesport Police Department

THURSDAY - SEPTEMBER 17, 1981

0900 - 1000 Legal Update, recent developments in the law

LT. FRANK L. McCARRON, Philadelphia Police Department

JOEL S. ROBBINS, ESQUIRE, Delaware County, Pennsylvania

RONALD SHARP , Director of Juvenile Court Judges Commission, Harrisburg, Pennsylvania.

1000 - 1100 Critiques and Awarding of Certificates.

INSPECTOR THOMAS ROSELLI

SCHEDULE AND SPEAKERS SUBJECT TO CHANGE

PENNSYLVANIA JUVENILE OFFICERS SEMINAR
REGISTRATION - SEPTEMBER 13-17, 1981
NO REGISTRATION FEE

NAME _____

DEPARTMENT _____

ADDRESS _____
City State Zip

PHONE NO ( )
Area Code

Kindly send information to the following officers: (Please include addresses)

_____ _____

_____

_____

RETURN FORM TO: Detective Gary R. O'Connor, Box 293, Springhouse, Pa. 19477 - Kindly submit by September 1, 1981

PLEASE USE THIS FORM TO RECEIVE SPECIAL DISCOUNT RATE!

MARRIOTT HOTEL REGISTRATION FORM

PENNSYLVANIA JUVENILE OFFICERS ASSOCIATION -
PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

NAME _____

ADDRESS _____
City State Zip

Single Rate ($40); Double Rate ($47)

_____(Please Check) Enclosed is first night deposit which will guarantee room or reserve by credit card.

_____
Card Type Number Expiration Date

PLEASE MAKE RESERVATIONS FOR PEOPLE FOR THE FOLLOWING NIGHTS:

_____September 13th (Check in after 3 P.M.)
_____September 14th
_____September 15th
_____September 16th

DEPARTURE, SEPTEMBER 17th, Check out by 12 Noon
PLEASE RETURN TO: HARRISBURG MARRIOTT INN, 4650 Lindle Road, Harrisburg, Pennsylvania. 17111
ALL RESERVATIONS MUST BE RECEIVED BY AUGUST 30, 1981

Police Department
Bethlehem Pike
Box 293
Spring House, PA 19477

1981

Hon. Alcee Hastings
2970 N.W. 55th Avenue
Apartment B-1
Fort Lauderdale, Fla. 33313

RESPONDENT'S EXHIBIT #95

E L. HASTINGS, JUDGE
) STATES DISTRICT COURT
ERN DISTRICT OF FLORIDA

May 18, 1981

Mr. C. W. Grant
Dean for Student Affairs
ALBANY STATE COLLEGE
Albany, Georgia 31705

Dear Mr. Grant:

Thank you for your letter of May 13, 1981 inviting me to address your Freshman Class. I would consider it an honor to do so. In checking my calendar, I find that I am available on the dates of October 1, 1981 and October 8, 1981. Please advise as to which date you prefer.

As per your request, I am enclosing a copy of my Biographical Data and a photo.

Should you require additional information, please contact my office.

Again, thank you for inviting me, and I look forward to addressing the Freshman Class.

Sincerely,

Alcee L. Hastings

ALCEE L. HASTINGS

ALH/baw

Enclosures

DEFENDANT'S EXHIBIT 17

P O BOX 013200 MIAMI, FLORIDA 33101 (305) 350-4289

Albany State College
ALBANY, GEORGIA 31705

OFFICE OF THE DEAN OF STUDENTS

May 13, 1981

The Honorable Alcee L. Hastings
United States District Court
P. O. Box 010669
Miami, FL 33101

Dear Judge Hastings:

As you perhaps will recall, Jesse told you about our "Back to the Rock" program here at Albany State. Through it, we invite outstanding achievers, such as yourself, to come and speak to our Freshman Class each week on Thursdays. Yes, just as you were required to attend such programs when you were in college (if you are over 35). We require all Freshman to attend.

The dates for 1981-82 are as follows:

October 1, 1981 ✓
October 8, 1981 ✓
October 15, 1981
October 22, 1981
October 29, 1981
November 5, 1981
November 12, 1981
~~November 19, 1981~~

Please select the date that is most convenient for you to come to Albany State this fall and do consider this as an official invitation. When you enter your judgement to come to Albany State, as we pray you do, kindly send B/W photo and vita.

May we respectfully request a reply with all deliberate speed.

Respectfully yours,

C. W. Grant
Dean for Student Affairs

t

cc: Attorney Jesse McCrary, Jr.
Mr. William E. Newsome

Albany State College
ALBANY, GEORGIA 31705

OFFICE OF THE DEAN OF STUDENTS

May 22, 1981

The Honorable Alcee L. Hastings
Judge
United States District Court
Southern District of Florida
P. O. Box 013200
Miami, FL 33101

Dear Judge Hastings:

We are in receipt of your photo and resume of May 18 and pleased to have heard from you. We have given you the October 8 date and we will get back in touch with you concerning transportation and honorarium.

Respectfully,

C. W. Grant
Dean for Student Affairs

t

ALBANY STATE COLLEGE
FOUNDED 1903
ALBANY, GEORGIA 31705

-PROGRAMME-

Freshman Assembly
October 8, 1981
10:00 A.M. Caroline Hall Auditorium

Motto: "A Past to Cherish and a Future to Fulfill"

Presiding ..... Stanley R. Davis, Vice President, Freshman Class, Mathematics Major

Prelude ..... Wiley Graydon, III, Asst. Professor Music Department

Invocation ..... Stanley R. Davis

Selection ..... Varnessa Collins, Sophomore Criminal Justice Major
Ozell Davis, English Specialist, Accompanist

Introduction of Speaker ..... Joseph Moore, III, Freshman Chemistry Major

Speaker ..... Dr. Alcee Lamar Hastings
U.S. District Judge
Southern District of Florida

Selection ..... Varnessa Collins
Ozell Davis, Accompanist

Response ..... Dr. C. W. Grant, Dean for Student Affairs

Announcements ..... William E. Newsome, Interim Director, Counseling and Testing Center

Dismissal

Postlude ..... Wiley Graydon, III

NOVEMBER 5, 1981

CHARLES B. WRIGHT

A native of Baltimore, Maryland, Mr. Wright received his high school education at Baltimore City College. He completed undergraduate study at Coppin State College receiving a B.S. Degree in the area of Elementary Education in 1966. The recipient of a graduate Fellowship, he attained the M.S. Degree in Special Education from Coppin in 1970 and did additional graduate study at Indiana University in the field of Educational Administration.

MR. WRIGHT

His work experience includes Headstart and Elementary School teacher in Baltimore City School System; 1968-69, Research Associate; Associate Professor of Education; and Vice President of Student Affairs at Coppin State College beginning in 1969 and ending in 1973; and Regional Program Coordinator for National Foundation March of Dimes. Presently, he is Director of Youth and Minority Organizations - March of Dimes Birth Defects Foundation and Consultant to Student Development Institute for the United Board for College Development, Atlanta.

Mr. Wright holds membership in several professional and civic organizations which includes: advisor for National Student Business League and Visiting Professor for several colleges and universities, the National Urban League and Big Brothers, Inc.

The recipient of several awards and honors, his interests include travel, athletics, and public speaking. Presently, he resides in Yonkers, N.Y.

NOVEMBER 12, 1981

MELVIN T. SOLOMON

Born in Columbus, Georgia, Mr. Solomon received his elementary and high school education in the Columbus School System. He received the B.A. degree from Wilberforce University in the area of sociology and completed courses in Management Development and Human Awareness.

MR. SOLOMON

Mr. Solomon has a diversified employment record which includes such positions as Employment Interviewer - Georgia Department of Labor, Employment Security Agency, 1967-69; Manpower Development Specialist - U.S. Department of Labor; Regional Manpower Administrator, 1971; Personnel Management Analyst - Georgia Department of Transportation, 1973-74. Presently, he is Regional Program Manager for Community Services Administration in Atlanta.

Because of outstanding contributions in his area, Mr. Solomon was nominated as one of Atlanta's Ten Outstanding Young People and listed in Outstanding Young Men of America. Also he serves as Board member of DeKalb County Community Relations Commission and Wesley Community Center, and Vice President of Atlanta Black Panhellenic Association. He presently resides in Atlanta, Georgia with his wife and daughter.

DEFENDANT'S EXHIBIT 17-A

ALBANY STATE COLLEGE

A Senior Unit of the University System of Georgia

The Freshman Assembly Series
under the Auspices of
The Department of Student Affairs

"BACK TO THE BASICS"

Scheduled Freshman Assembly Program Speakers
FALL, 1981

"A Past to Cherish and A Future to Fulfill"

2670

RESPONDENT'S EXHIBIT #36

Several years ago the Department of Student Affairs here at Albany State College came to the conclusion that if it was indeed going to help develop the "whole student", as is it intent; then we were going to have to start doing some of the things we used to do.

To that end, we reinstated compulsory Freshman Assembly each Thursday of our Fall Quarter and we dubbed it "*Back to the Basics*". Yes, we assign and check seats just as was done during the old days. We have sought to invite only provocative and energetic role models as speakers. To that end, we are "proud as a peacock" and "pleased as punch" to present this schedule of such truly outstanding personalities.

DR. GRANT
Director, Student Affairs

ALBANY STATE College

SEPTEMBER 24, 1981 — DR. THERMAN EUGENE EVANS

DR. EVANS

OCTOBER 1, 1981

DR. KING

THE REVEREND DR. BARBARA LEWIS KING

OCTOBER 8, 1981 — DR. ALCEE LAMAR HASTINGS

JUDGE HASTINGS

OCTOBER 15, 1981 — WILLIAM "SONNY" WALKER

SIR. WALKER

OCTOBER 22, 1981 — PATRICIA A. RUSSELL, ESQ.

ATTY. RUSSELL

OCTOBER 29, 1981 — OZELL SUTTON

MR. SUTTON

RESPONDENT'S EXHIBIT #97

ITINERARY ALCEE L. HASTINGS

DATE	AIRLINE	FLT	DEPARTURE	TIME DEPART	TIME ARRIVE	ARRIVAL	
OCT. 7	EASTERN	#622	MIAMI	2:38P	4:35P	TALLAHASSEE	1 STOP/NO CHANGE
OCT. 9	EASTERN	#1620	TALLAHASSEE	7:05A	7:56A	ATLANTA	
	EASTERN	#130	ATLANTA	9:12A	10:40A	WASHINGTON, D.C.	
OCT. 11	EASTERN	#875	WASHINGTON	9:00A	10:57A	ORLANDO	
OCT. 11	REPUBLIC	#466	ORLANDO	11:10P	11:55P	MIAMI	
OCT. 12	EASTERN		ORLANDO	7:00A	7:45A	MIAMI	

HOTEL: WASHINGTON HILTON (483-3000) NIGHT OF OCT. 9, 1981

CAR: AVIS (BEVERLY) - ORLANDO

ITINERARY ALCEE L. HASTINGS

DATE	AIRLINE	FLT	DEPARTURE	TIME DEPART	TIME ARRIVE	ARRIVAL
OCT. 14	EASTERN	#620	FT. LAUD.	4:10P	5:49P	ATLANTA
	EASTERN	#254	ATLANTA	6:40P	7:43P	LOUISVILLE
OCT. 16	DELTA	#819	LOUISVILLE	3:50P	4:54P	ATLANTA
	DELTA	#502	ATLANTA	6:15P	7:32P	DAYTON
OCT. 21	EASTERN	#339	COLUMBUS	8:00A	11:02A	ORLANDO
OCT. 22	REPUBLIC	#472	ORLANDO	9:45P	10:25P	FT. LAUDERDALE

HOTEL:

CAR: AVIS - ORLANDO

RESPONDENT'S EXHIBIT #100

SEPTEMBER 1 TUESDAY

~~10PB~~

Jury Trial

9:30 - USA v Williams (Cancelled) 81-247-CR

10:00 - ~~Grand Jury~~ - mot. to Quash

11:00 - 80-607-CR / Brown / Owens

Nov. 4u

1:00 - 80-8156-Civ

1981 245th day - 120 days follow

WEDNESDAY 2 SEPTEMBER

9:45 ~~Milliken~~
Letter To Firm
10:00
~~9:30~~ 81-1060 Motion Hearing

1:30 P-T Conf
78-2001 Becker vs Allstate

1:30 Judges Conference

SEPTEMBER 3 THURSDAY 1981 246th day - 119 days follow

Miami
9:30 - Status Conf. 80-6124-CR - USA v DeLaVega

4:45 - 81-1260-Civ

1:30 Calendar Call: Miami

CR: mina

~~78-144-CR~~ USA v MORAN
78-64-CR USA v Vidal
81-263-CR USA v Wilson
6/17 80-6071-CR USA v SANTARELLI
80-343-CR USA v Wine
81-274-CR USA v

Dismissed
~~80-263-CR~~
~~81-301-CR~~ dismissed
81-269-CR
~~81-30-CR~~ dismissed
81-42-CR - Ramos

Civil

~~76-8297-Civ~~ -
~~80-6255-Civ~~ oct. 1
~~74-1207-Civ~~ nov. 12
72-1961-Civ - USA v NATL Prop
Reset 9-4960-Civ - Blue v Burke
80-8172-Civ Dam v Kosowski 1½ day (nt)
~~78-260-Civ~~ Becker v Allstate
81-8177-Civ Watt v Sotheby - 2 days (jury)
80-6450-Civ Zuckerman v Solomatsen

1:30 81-730-CR Hearing on outstanding Discovery

1981 247th day - 118 days follow

FRIDAY 4 SEPTEMBER

9:00 - ~~80 Lapse - Civ~~ Rescotto
Advisory Hearing (2½ hours)
Reset 9/15

11:00 - P-T Conf 77-4031-Civ Biscayne v Freight

SEPTEMBER 5 SATURDAY 1981 248th day - 117 days follow

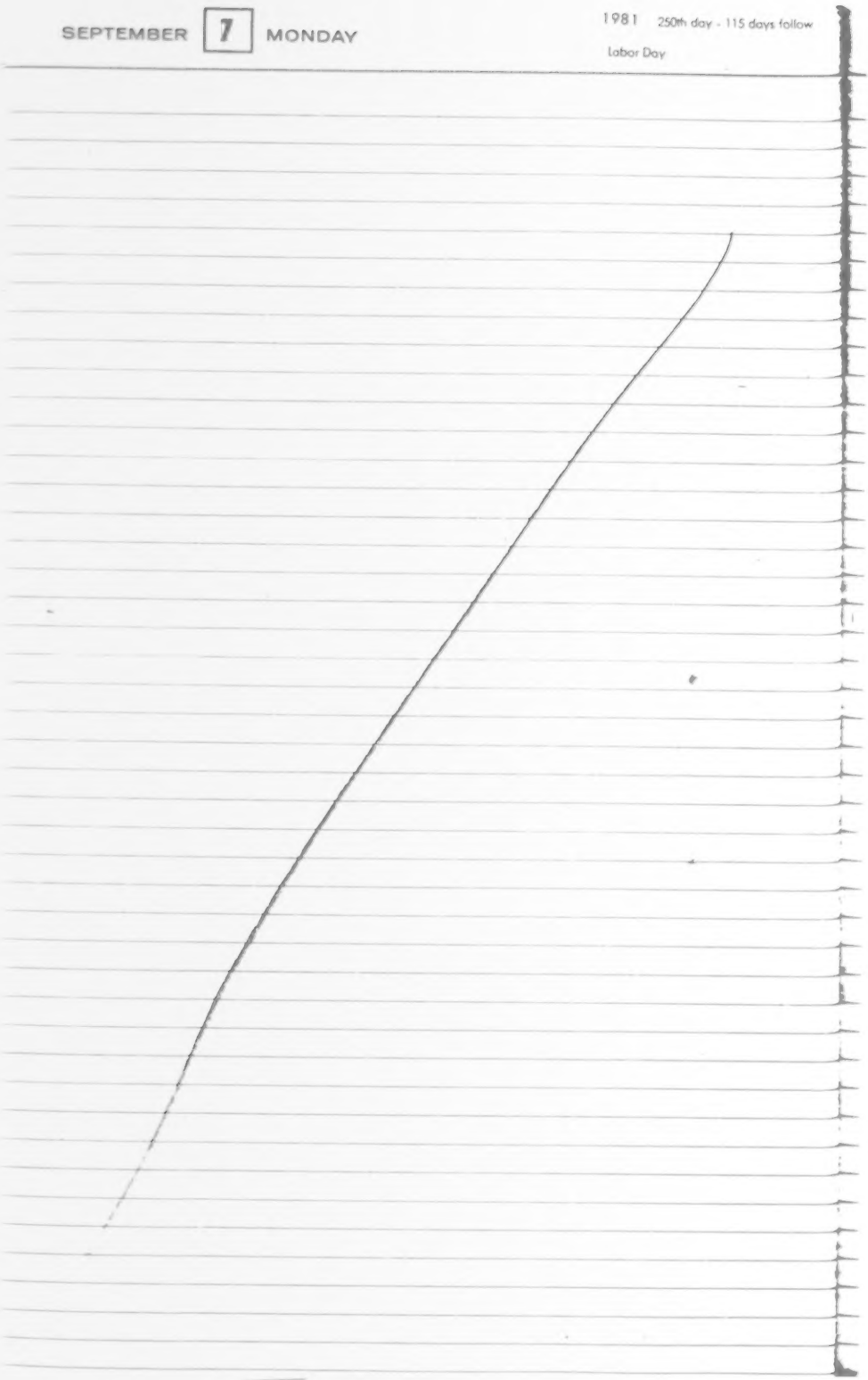
1981 249th day - 116 days follow

SUNDAY 6 SEPTEMBER

SEPTEMBER 7 MONDAY

1981 250th day - 115 days follow

Labor Day



1981 251st day - 114 days follow

TUESDAY 8 SEPTEMBER

Special Setting: Miami

9:00 - Jury Trial - 78-64 CR USA v Victoria, et al

NOON: USA v Williams Hrg on Motion of Speedy Trial
81-247

Recsd To 9/15

1:00 - P-T Conf. -
77-4081-Civ

4:30 - 81-1260 - Motions

SEPTEMBER 9 WEDNESDAY 1981 252nd day - 113 days follow

9:00 - Chg of Plea - USA v Barnicles
78-69. CR
Russell Kersting
Kline

Noon: MRS Cabes - Re: Judge Ferguson 638-6001

4:30 - 1260

1981 /52nd day - 112 days follow

THURSDAY 10 SEPTEMBER

? 11:00 - Nova - CSA Campaign - Jerry Cohen ?

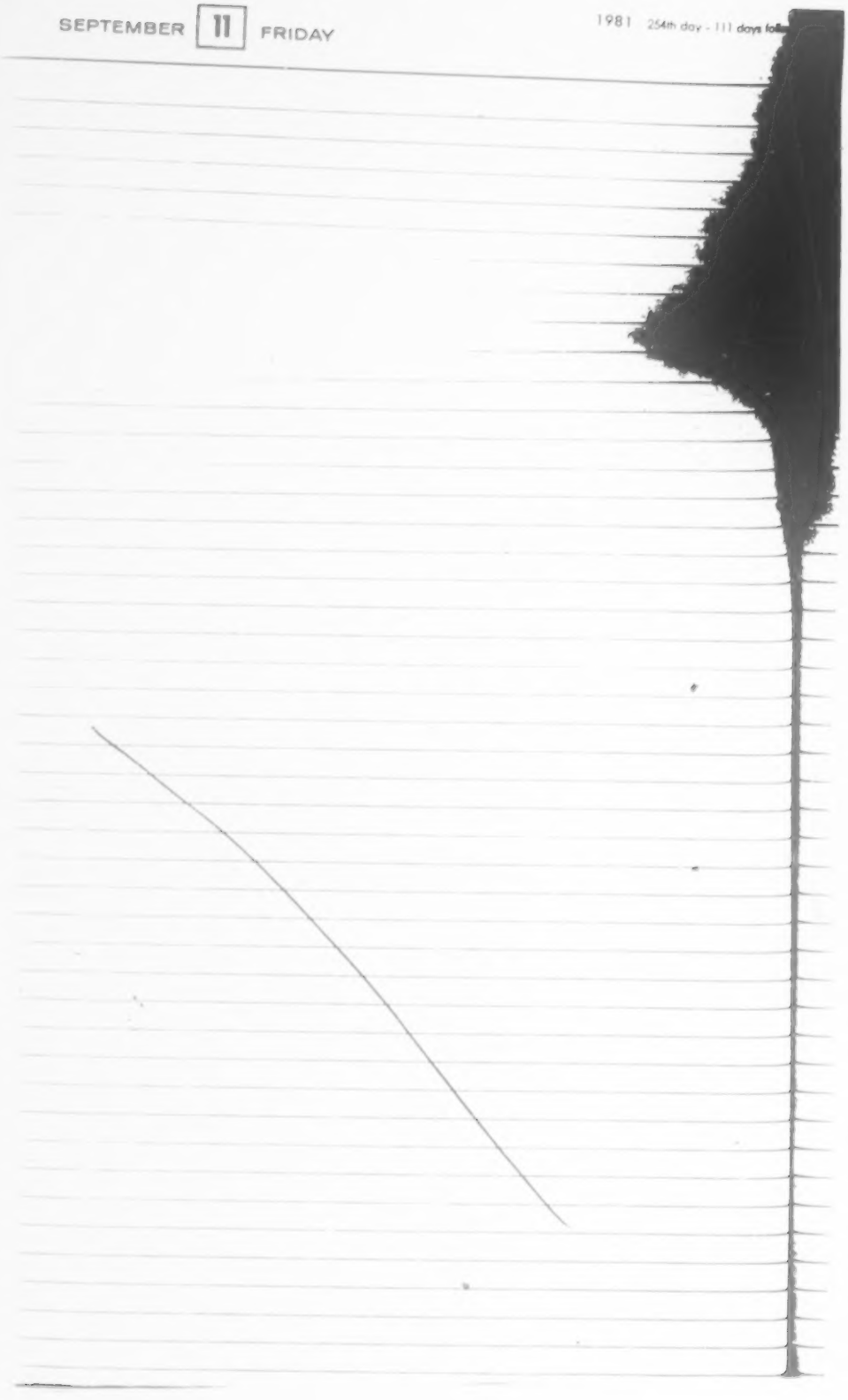
P-T Confs:

1:00 - 77-6476-Civ Grant v Arthritis
1:30 - 80-6013-CR USA v Gardner - Sentencing
2:00 - 79-6629 Civ Contained settled
1:30 - USA v Lord 81-219 CR - Sentencing
1:00 81-42 CR - Health Condition Montando

~~? CL 79-6~~

Robing Ceremonies - Judge Gunthey, Kay & Shutte

SEPTEMBER 11 FRIDAY 1981 254th day - 111 days fol



1981 255th day - 110 days follow

SATURDAY 12 SEPTEMBER

SEPTEMBER 13 SUNDAY

1981 256th day - 109 days follow

1981 257th day - 108 days follow

MONDAY 14 SEPTEMBER

(215) 272-5300
Susan Cantor

Warrington - Willow Grove

SEPTEMBER 15 TUESDAY 1981 258th day - 107 days follow

10:00 ~~Health Examination~~

9:00 Buscaglia 80-6058-Civ
Advisory hearing 2½ hours

9:30 Non-Jury Trial - USA v Wine
80-343-CR
Tentative

11:00 Show Cause Hearing - USA v Kay Newmeyer
81-6366-Civ
USA v L. Newmeyer
81-6369-Civ

11:00 - P-T Conf. 77-403-Civ

11:30 - 81-42 Santella City of Pkg

9:00

~~11:00~~ Jury Trial. 78-69-CR
USA v Robert Vickvair
Felix J. Vickvair

1981 259th day - 106 days follow

WEDNESDAY 16 SEPTEMBER

9:00 Examination ~~UPS~~

9:00 76-829 Civ. Wilmington v Manufacturers
Reset to 9/23

NOON Lunch w/Seitz, Rinkoff, Sale & Anderson

4:30 - Judges Conference

SEPTEMBER 17 THURSDAY ~~25~~ 1981 260th day - 105 days follow

Call Dr. Szatmari
467-4140 (w&h)

9:00 - Dr Daniel Wilheim

1:30 Calendar Call:

81-128-CR - Barshov & Ross reset 10/29 14/29
81-263-CR - Send rel.ltr
78-4924-C.v Settled dism'ls
81-285-CR USA v Lombardo
81-321-CR USA v Rolle
79-307-Moschetta
80-123/CR
81-234/CR
81-6072-CR
81-274-CR

81-289-CR
81-42-CR
80-6071-CR

79-6629-C.v settled (m/dism'l)
~~72-4631-C.v~~ pc
77-6476-C.v Grant/Gotta
~~74-4960-C.v~~ Reset
79-877-C.v Wmtt. dism

2:00 Tentative: Order To Show Cause hear cs: Cancelled
81-1761-C.v USA v Gibson if not there

2:30 81-219-CR 3rd day Reid Sentencing

3:30 Bond Hearing re Dantzler 80-607L CR

1981 261st day - 104 days follow

FRIDAY 18 SEPTEMBER

~~WPB~~ Ft. Laud.

Courtroom # 2

39) Motion: (Stefan) Reschedule Cfg of Plea Baker
80-6046-CR

9:30 80-6450-C.I. Zuckerman v Solomonson
non-jury

NOON JOANN TYSON & BARBARA KATZEN

SEPTEMBER 19 SATURDAY 1981 262nd day - 103 days follow

Orlando

1981 263rd day - 102 days follow

SUNDAY 20 SEPTEMBER

9:30 Leo Gelber - Brotherhood Breakfast

12:00 Cathy Hobbys Hwy

SEPTEMBER 21 MONDAY Miami 1981 264th day - 101 days follow

10:00 Change of Plea USA v Herrera 81-42
10:00 - Sentencing USA v Veniotte - 80-6097-CF
10:00 Non-Jury Trial - USA v Wine 80-343-CR

Lunch w/ NS

1:00 - ~~Show Cause Hrg - Gonzalez vs Crawford~~
81-1344-Civ

2:00 - Preliminary Injunction Hearing
81-1368-Civ - Southeast Lobster vs Graham

Fla. Memorial

1981 265th day - 100 days follow

TUESDAY 22 SEPTEMBER

Gainesville,
Zora Neale Hurston

SEPTEMBER 23 WEDNESDAY 1981 266th day - 99 days follow

W.R.B.

9:30 Hearing on Pending Motions
80-8056-CIV Jackson v City of Belle Glade
10:30 -
1:30 Jury Trial - 76-8297 - Wilmington vs Manuf.
2-3 days

1981 267th day - 98 days follow

THURSDAY 24 SEPTEMBER

WPB

P-T Conf:

1:00- 80-6263-Civ Earl Rodney v 77-1244-Civ Caribe Towing cancelled

SEPTEMBER 25 FRIDAY 1981 268th day - 97 days follow

1981 269th day - 96 days follow

SATURDAY 26 SEPTEMBER

Urban League - Whitney Young Jr. Award

SEPTEMBER 27 SUNDAY 1981 270th day · 95 days follow

1981 271st day - 94 days follow

MONDAY 28 SEPTEMBER

81-1760 C.V

~~7:30 Jury on Clarification Instruct~~ To 9/30

1:30 Change of Plea USA v Baker 80-6046 C

~~10:00 Baker Probation Matter 9th Floor~~

10:00 CASE #1 Jury Trial 80-6071-CR Santarelli 3 to 4 days

CASE #2 " " 81-284-CR USA v Erbelli

#3 " 81-321 USA v Rolle

10:00 - Hearing on ~~Protective Order~~ - USA v Botero
81-6078-CR

Fla. Memorial

SEPTEMBER 29 TUESDAY

1981 272nd day - 93 days follow

Rosh Hashanah
First Day of Jewish New Year 5742

1981 273rd day - 92 days follow

Rosh Hashanah
Second Day of Jewish New Year 5742

WEDNESDAY 30 SEPTEMBER

Pile-Home of Pkg - 80-6046-CR USA v Baker

OCTOBER 1 THURSDAY 1981 274th day - 91 days follow

Magistrate Kyle Courtroom

1:30 - Calendar Call: Ft. Lauderdale

Criminal

81-287-CR USA v Tythill
81-352-CR USA v Filgueiras
81-355-CR USA v Nestarez-Ft. Ilo
81-365-CR USA v Ent~
81-364-CR USA v
81-285 USA v Lombardi
81-6072-CR USA Binder
81-247 Williams

Civil

80-6263-Civ Rodney v
77-1041 } Civ Caribe
77-3323 }
80-626 Civ - Equibank v Un. Fed Equity Settled
76127-Civ - Barvica v Rosa
6-8113-Civ - Christler v Saunders
81-8156-Civ-
81-6255-Civ
81-8177-Civ Wyatt v Sotheby
7:00 Show Cause Hearing USA v Defee 81-8077 } 81-8078
2:30 ~~Show Cause Hearing~~ 81-6005 USA v ~~Hotta~~ Hota La
~~State~~ Complied

1981 275th day - 90 days follow

FRIDAY 2 OCTOBER

9 30 Cabinet Mtg. St-1104-C. ✓ Siegel ✓ Kachavic
Depart for Rose (Rose)

Tobias Simon

OCTOBER 3 SATURDAY 1981 276th day - 89 days follow

Dardy Corvalis

8:00-Roast Judge W.H.e Ferguson

1981 277th day - 88 days follow

SUNDAY 4 OCTOBER

OCTOBER 5 MONDAY 1981 278th day - 87 days follow

9:30 - Santarelli:

NOON: - 81-285-CR USA v Lombardo et al
Status Conf.

Florida Memorial

1:30 p.m. - Lauderdale Lakes Democratic Club
Lauderdale Lakes City Hall (731-7106)

Cancelled

1981 279th day - 86 days follow

TUESDAY 6 OCTOBER

9:00 Change of Dentist Appointment

10:00 ~~Plea~~ - USA v. Pinder 81-6072-CR

~~4:30 Final Hrg Sreget v Kershaw~~

4:30 - Change of Plea 81-394CR USA v Jones

4:45 - Sentencing - 80-6002-CR USA v Hannah

CASE #1
USA v Pinder - 81-6072-CR

FILE CASE #2: 80-6263-Civ Rodney v Burnup

11:00 Admission Standards Reg 209

1:00 - In Re: Stuart motel Application for Stay

OCTOBER 7 WEDNESDAY 1981 280th day - 85 days follow

Judges Conf. 4:30 Room 209

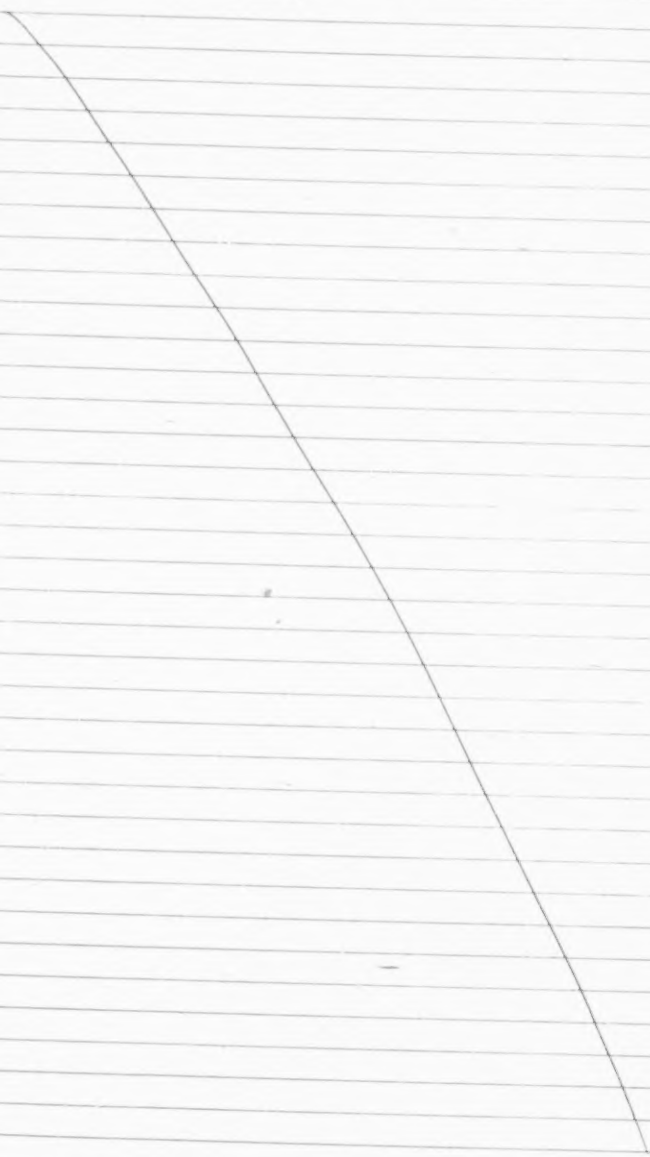
1981 281st day - 84 days follow

Yom Kippur—Day of Atonement

THURSDAY 8 OCTOBER

OCTOBER 9 FRIDAY 1981 282nd day - 83 days follow

Bill Borders



1981 283rd day - 82 days follow

SATURDAY 10 OCTOBER

OCTOBER 11 SUNDAY 1981 284th day - 81 days follow

Orlando

6:00 p.m.

1981 285th day - 80 days follow

Columbus Day

MONDAY 12 OCTOBER

Special Setting: Jury Trial

9:30. 81-418-CR USA v Bent (trial)

Fla. Memorial

OCTOBER 13 TUESDAY 1981 286th day - 79 days follow
Succoth

CASE #1:
81-355-CR USA v Nostarez-Trillo

CASE #2:
80-6169-Civ River v. Madrosian

CASE #3:
80-6127-Civ Servico v Rose
Special Setting
1:30 ~~Jury~~ Trial USA v Beat ~~et al~~ CR

NOON. Alan Chaset 633-6336

1:30 Change of Plea - Glenn Hafer 81-355-CR
75-6057-CR

1981 287th day - 78 days follow

WEDNESDAY 14 OCTOBER

1:00 - Change of Plea USA v Aguirre-Villa 81-234-CR
1:15 - Chg of Plea 81-42-CR USA v Ramos y Montado - Fail
1:30 Calendar Call: Miami

Criminal
81-379 USA v Gurgiolo
81-378 USA v Aaron

Civil
81-1210-Civ Diaz v. Conley
73-97-Civ O'Berry v. Seaboard
81-508 Tompson v Ricke
79-2309 Shepherd v Raymond

OCTOBER 15 THURSDAY 1981 288th day - 77 days follow

Kentucky

10/14

Reset to

1:30-Calendar Call: Miami
Criminal

Civil Cases
73-97-Civ O'Berry v Seaboard
81-508-Civ Transeas v Ricke
79-2304-Civ Shepard
79-4460-Civ Blue v BAKKe

1981 289th day - 76 days follow

FRIDAY 16 OCTOBER

Kentucky

B. H. Bordens
D. C. 10/9

OCTOBER 17 SATURDAY 1981 290th day - 75 days follow

9:30 Broward Community College
973-2805 Pat Paulin

1981 291st day - 74 days follow

SUNDAY 18 OCTOBER

OCTOBER 19 MONDAY 1981 292nd day - 73 days follow

Florida Memorial

1981 293rd day - 72 days follow

TUESDAY 20 OCTOBER

OCTOBER 21 WEDNESDAY 1981 294th day - 71 days follow

The Concerned Black Educators In Higher Ed.
NCBEC

1981 295th day - 70 days follow

THURSDAY 22 OCTOBER

Bethune Cookman

P. T Conferences: FT. Laud

1:00 - 81-626-Civ-Stanley Cruise v 81-6067-CIV Air Fleets
1:30 - 79-6511-Civ - 79-6598-Civ Gary Nail, Cons. c. 77-6121-Civ (Collins & Bauman)
77-6121-Civ Collins & Bauman)

NCCJ Breakfast 7.45 Am

OCTOBER 23 FRIDAY 1981 296th day - 69 days follow

1981 297th day - 68 days left

SATURDAY 24 OCTOBER

Bethune-Cookman

OCTOBER 25 SUNDAY

1981 298th day - 67 days follow

1981 299th day - 66 days follow

MONDAY 26 OCTOBER

Miami

Special Setting

Jury Trial
9:30 Bricker v. Allstate 78-2001
9:30 USA v DeLavega 80-6124-CR

VOON: Alan Chavet - 633-6326 10/13

Fla. memorial

OCTOBER 27 TUESDAY

1981 300th day - 65 days follow

1981 301st day - 64 days follow

WEDNESDAY 28 OCTOBER

5:30 - 8:00 Reception honoring Federal Judges & Magistrates

Nawa

OCTOBER 29 THURSDAY 1981 302nd day - 63 days follow

1:30 Calendar Call: Ft. Land.
81-128 CR
81-6216-Civ s. trailer Cruises
81-6067-Civ Dir Fleets
79-6511-Civ & 79-6548 Consol. date
(Clark Nail)
77-6121-Civ (Collins & Baumann)

1981 303rd day - 62 days follow

FRIDAY 30 OCTOBER

RESPONDENT'S EXHIBIT #101

SEPTEMBER 1 TUESDAY

[redacted]

- 121 days follow

Jury Trial

~~9:30 USA v Williams 81-017-CR~~

~~10.00 Motion to Quash Grand Jury Subpoena~~
81-2 Wyvetta Baldon

11.00 80-6071-CR Hearing USA v Santarelli

NOON Luncheon

1981 247th day - 118 days follow

FRIDAY 4 SEPTEMBER

9:00 - 80-6058-Civ ~~Rescielli~~
~~Advisory Hearing~~ (2½ hours) Reset 9/15

11:00 P-T Conf 77-4031-Civ Biscayne v/ Freight

Judge Atkins

SEPTEMBER 5 SATURDAY 1981 248th day - 117 days follow

21-613 O—89———34

1981 249th day - 116 days follow

SUNDAY 6 SEPTEMBER

SEPTEMBER 7 MONDAY

1981 250th day - 115 days follow

Labor Day

1981 251st day - 114 days follow

TUESDAY 8 SEPTEMBER

Special Setting : Miami

9:00 Jury Trial 78-69-USA v. Vickers, et al

SEPTEMBER 9 WEDNESDAY 1981 252nd day - 113 days follow

9:00 - Chg of Plot - USA v KARAMICOS 78-68
Kersting
Kline

NOTE: ~~Mrs. Cobes - Judge Ferguson~~

1981 253rd day - 112 days follow

THURSDAY 10 SEPTEMBER

? 11:00 NOVA-CSA Campaign

P-T Confs:

1:00 - 77-6476-Civ Grant v Artis, et al
1:30 - Sentencing - USA v Gardner 81-6013 Cr
2:00 - 79-6629-Civ (Warner)

Robing Ceremony - Judges Gunther, Kay & Shutter

SEPTEMBER 11 FRIDAY

1981 254th day - 111 days follow

1981 255th day - 110 days follow

SATURDAY 12 SEPTEMBER

SEPTEMBER 13 SUNDAY

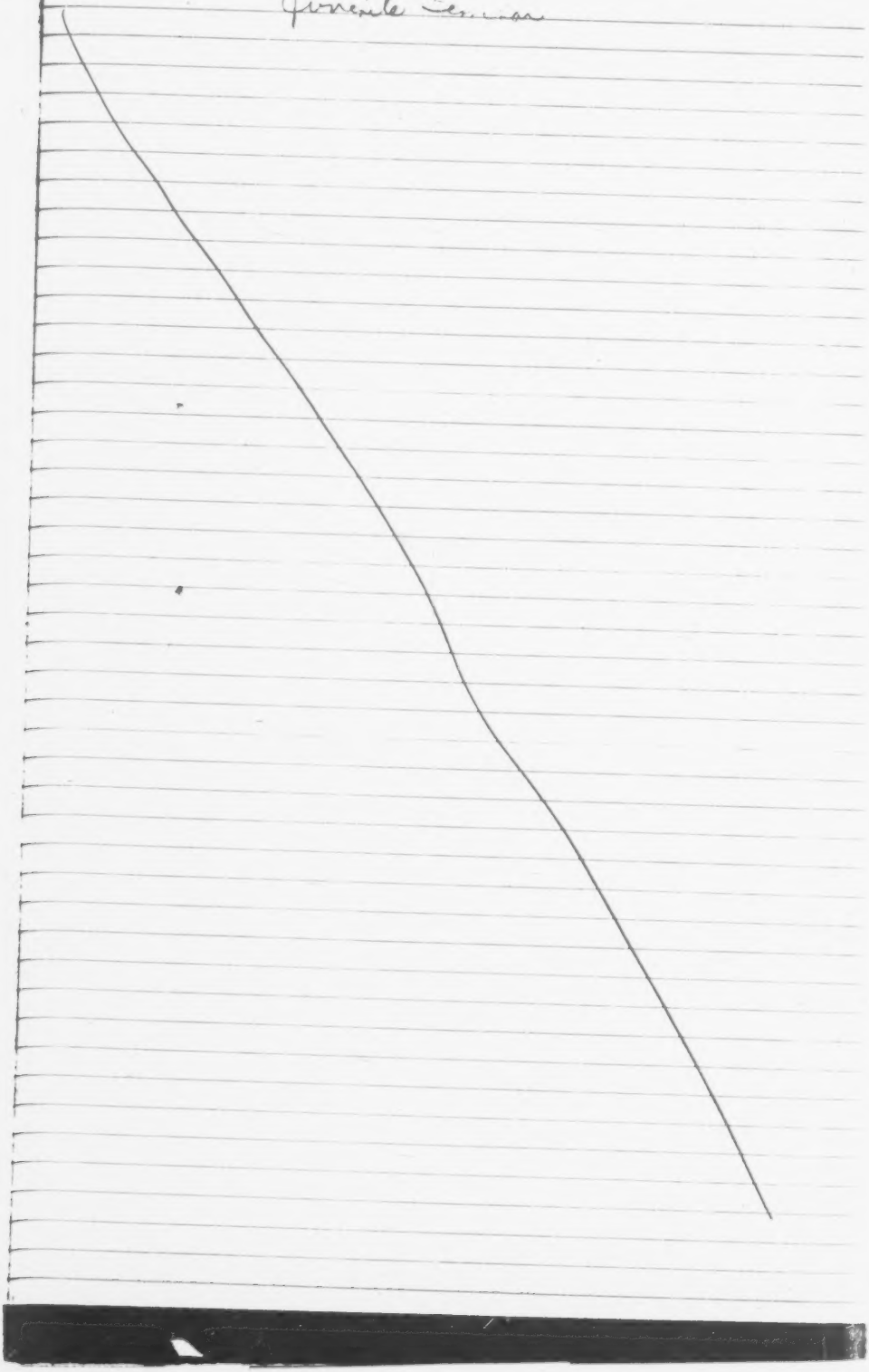
1981 256th day - 109 days follow

1981 257th day - 108 days follow

MONDAY 14 SEPTEMBER

Harrisburg PA

Juvenile Session



SEPTEMBER 15 TUESDAY 1981 258th day - 107 days follow

9:00 - Roscioli - 80-6059-C.V
Advisory Hearing 2½ hours

~~9:30~~

11:30 Change of Plea 81-42-CR USA v Santalla
(Spanish-Int.)

3:00 - Change of Plea

1:30 ~~Jury Trial~~ 78-69-CR
USA v Robert Vicknair
Felix J. Vicknair

1981 259th day - 106 days follow

WEDNESDAY 16 SEPTEMBER

9:00 - Examination

NOON: Lunch w/ Seitz, Pinkoff, T. Anderson, J. Sala

4:30 Judges Conference

SEPTEMBER 17 THURSDAY 1981 260th day - 105 days follow

9:00 Dr. Wilhelm

1:30 - Calendar Call:

~~81-128-CR Barnhart v Ross~~ Reset to 10/29 ~~77-6624-Civ Thomas~~ settled
81-263-CR Send Notice 77-403-Civ Bourgeois
~~76-492-Civ Mundy v Staley~~ settled 77-6476 Civ Grant settled
~~81-285-CR USA v Hernandez~~ (Courts don't have) 81-6177-Civ-Watt v Selfridge
81-331-CR USA v Rolle 10/1 81-274-CR
79-307 CR & 80-133-USA v Marchette 80-6071-CR USA v Santarelli
~~81-254-CR - USA v Aguirre~~ To plea 10/19
81-6072-CR USA v Merritt
81-285 - USA v Eib
81-42-USA v Ramos
2:00 Tentative: Order To Show Cause hearing
81-1761-Civ USA v Gibson

2:30 - Sentencing 81-274-CR USA v Lord
2:30 - Bond Hearing 80-6071-CR USA v Santarelli

1981 261st day - 104 days follow

FRIDAY 18 SEPTEMBER

(34) Notation: (Jaff) Reschedule Chg. of Plea - Baker
80-604-CR

9:30 Non-Jury 80-6450-Civ
Zuckerman v. Solomonson

NOON: Joann Tyson & Barbara Katzen

SEPTEMBER 19 SATURDAY 1981 262nd day - 103 days follow

1981 263rd day - 102 days follow

SUNDAY 20 SEPTEMBER

9:30 - Leo Gelber - Brotherhood Breakfast

10.00 - Cathy Stubby's (Hollywood)

SEPTEMBER 21 MONDAY 1981 264th day - 101 days follow

Miam.

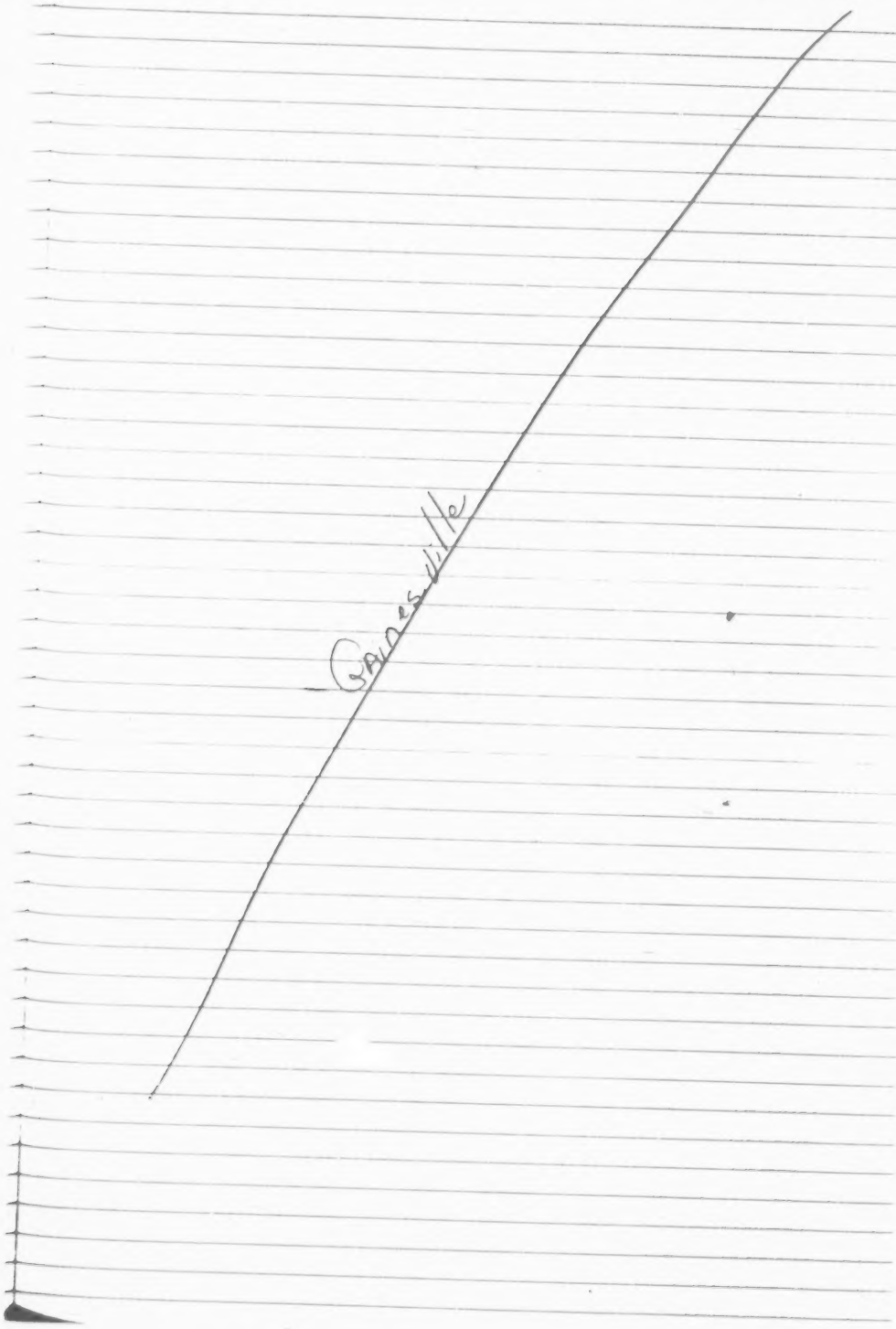
10:00 Sentencing USA v Veriotto - 80-6097-CR
10:00 - non-jury trial - USA v Wine,
80-343-CR

1:00 Show Cause Hearing 81-1390 C.v
Gonzalez v Crawford

2:00 Preliminary Injunction Hearing
81-1348-C.v Southeast Laborers vs Graham

1981 265th day - 100 days follow

TUESDAY 22 SEPTEMBER



SEPTEMBER 23 WEDNESDAY 1981 266th day - 99 days follow

WPB

9:30 Hearing on Pending Motions
80-807-Civ Jackson v City of Belle Glade

11:30 Jury Trial - 76-8297 Wilmington v manufacturers
2-3 days

1981 267th day - 98 days follow

THURSDAY 24 SEPTEMBER

WPB

P-T Conf.

1100 - 80-6263-Civ-Eat / Rodney ~~77-1244-Civ-Gon~~ Cancelled

SEPTEMBER 25 FRIDAY 1981 268th day - 97 days follow

WPB

7: Ct Testimonial Dinner - Mt Olive

1981 269th day - 96 days follow

SATURDAY 26 SEPTEMBER

Urban League - Whitney Young Jr. Award
Omni

SEPTEMBER 27 SUNDAY

1981 270th day - 95 days follow

1981 271st day - 94 days follow

MONDAY 28 SEPTEMBER

9.30 - ~~Change of Plea - USA v Baker 80-2246-CR~~ reset to 9/30

10:00 ~~Arvin Jaffe (Rabbi Jaffe) Order IN~~

10.00 - USA v Botero - Hearing on Protective Order 81-6018-CR

10:00 - CASE #1 Jury Trial 80-6071-CR - Santarelli (31)
CASE #2 " " 81-284-CR - Erb & Fdez
CASE # 3 " " 81-321-CR - Rolle

SEPTEMBER 29 TUESDAY

1981 272nd day - 93 days follow

Rosh Hashanah
First Day of Jewish New Year 5742

1981 273rd day - 92 days follow

Rosh Hashanah
Second Day of Jewish New Year 5742

WEDNESDAY 30 SEPTEMBER

2:00 Change of Plea 80-6016-CR USA v Baker

5:00 81-1260-Classification Hearing

OCTOBER 1 THURSDAY 1981 274th day - 91 days follow

mfg. Kyle's Courtroom

1:30 Calendar Call: Ft. Lauderdale

Criminal

81-287-CR USA v Tuthill
81-352-CR USA v Filgueiras
81-355-CR USA v Nestarez-Trillo
81-365-CR USA v Entin
81-364-CR USA v
81-285-CR USA v Lombardi
81-6072-CR USA v Pinder
81-242-CR USA v Williams
80-6124-CR USA v DeLaVega

Civil

80-6263-Civ Rodney v
77-1241 } Civ Caribe
77-3323 }
80-6186-Civ Equibank v United Equity Settled
80-6127-Civ Service v Buse
80-8113-Civ Christler v Saunders
81-8180-Civ
81-817-Civ Wirtt v Sotheby
78-830-Civ

81-8074-Moore v UPS

2:00 Show Cause Hearing USA v Perez 81-807 } 81-8078 }
2:30 Show Cause Hearing 81-6443-USA v Hotaling

1981 275th day - 90 days follow

FRIDAY 2 OCTOBER

OCTOBER 3 SATURDAY 1981 276th day - 89 days follow

8:00 Roast Judge Wilkie Ferguson

1981 277th day - 88 days follow

SUNDAY 4 OCTOBER

OCTOBER 5 MONDAY 1981 278th day - 87 days follow

9:30- 80-6071-CR Santarelli: Cont

Noon: 81-285-CR USA v. Lombardo
Status Conf.

1:30- Sent Hearing - Democratic Club

1981 279th day - 86 days follow

TUESDAY 6 OCTOBER

1st Change of Plea USA v Pinder 81-6072-CR

9:30 Chg of Plea 81-399-CR USA v Stewart

9:45 Sentencing - 80-6002-CR USA v Harris

10:00 - ~~Front Hearing 81-1108-Civ Siegel v Kaufman~~

CASE #1: Trial
USA v ~~Pinder~~ 81-6072-CR

CASE #2 (FILL)
Earl Rodney v Burnup & Sims 80-6263-Civ

(Docket: Admission Standards

1:00 - TA re: Stuart motion - stay Application

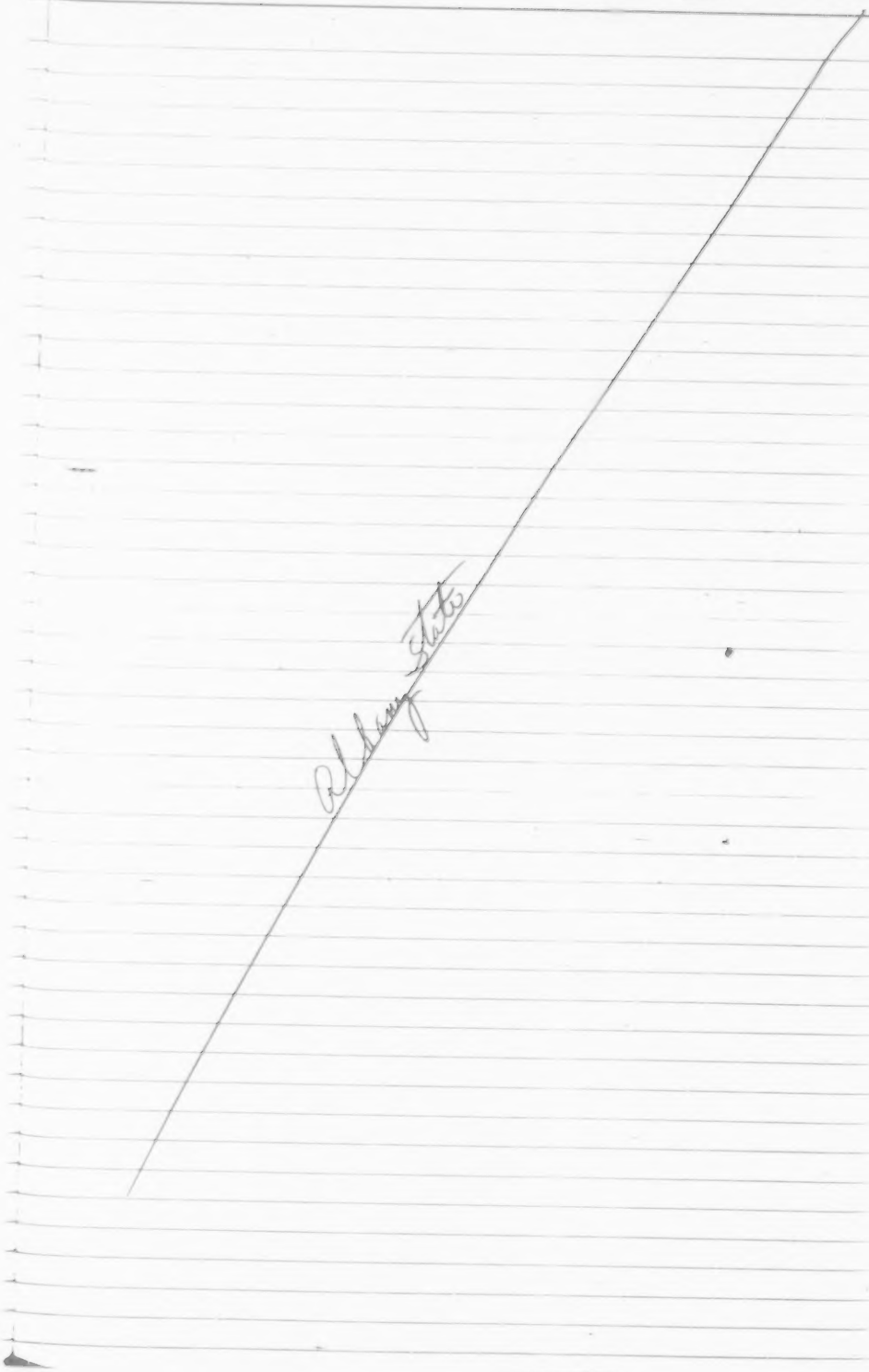
OCTOBER 7 WEDNESDAY 1981 280th day - 85 days follow

4:30 Judges Conf. Room 204

1981 281st day - 84 days follow

Yom Kippur - Day of Atonement

THURSDAY 8 OCTOBER



OCTOBER 9 FRIDAY 1981 282nd day - 83 days follow

Bill Borders

1981 283rd day - 82 days follow

SATURDAY 10 OCTOBER

OCTOBER 11 SUNDAY

1981 284th day - 81 days follow

1981 285th day - 80 days follow

Columbus Day

MONDAY 12 OCTOBER

Special Setting: Jury Trial

9:30-81-418-CR USA v Bent (jail)

OCTOBER 13 TUESDAY 1981 286th day - 79 days follow
Succoth

CASE #1:
81-355-CR - USA v ~~Ag~~ Nestare2-Trillo

CASE #2:
80-6168-Civ River v Mordirosian

CASE #3:
80-6127-Civ Servico v Bosa

Special Setting
9:30 ~~Jury Trial - USA v Boat 81-418-CR~~

NOON: Alan Chaset

1:30 - Change of Plea. Glenn Hafer - 81-6033-CR
79-6057-CR

1981 287th day - 78 days follow

WEDNESDAY 14 OCTOBER

1:00 - Chg of Plea - 81-234-CR-USA v Aguirre-Ulla (Jail)
1:15 - Chg of Plea - 81-42-CR USA v Ramos & Montado - Jail
1:30 - Calendar Call: Miami

Civil
81-1210-Civ - Diaz v. Carnival Way
73-97-Civ O'Berry v. Seaboard
81-506 Civ Transeas v. Ricle
79-2309-Civ Shepherd v. Raymond

Criminal
81-379-CR-USA v. Gurgiolo - 7 defts - 5 days
81-378-CR USA v. Aaron - 1 deft. 2 days

OCTOBER 15 THURSDAY 1981 288th day - 77 days follow

Louisville, Kentucky

ABA

1:30 Calendar Call: Criminal

Civil Cases

73-97-Civ O'Berry v Seaboard
81-506-Civ Transeas v. Rice
79-238-Civ Shepherd
79-4560-Civ Blue v. Baker

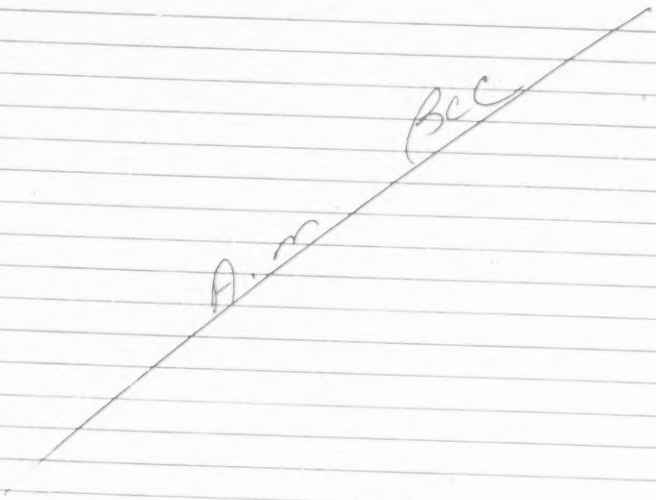
1981 289th day - 76 days follow

FRIDAY 16 OCTOBER

Kentucky

Bill Bordens
D.C. 10/9

OCTOBER 17 SATURDAY 1981 290th day - 75 days follow



1981 291st day - 74 days follow

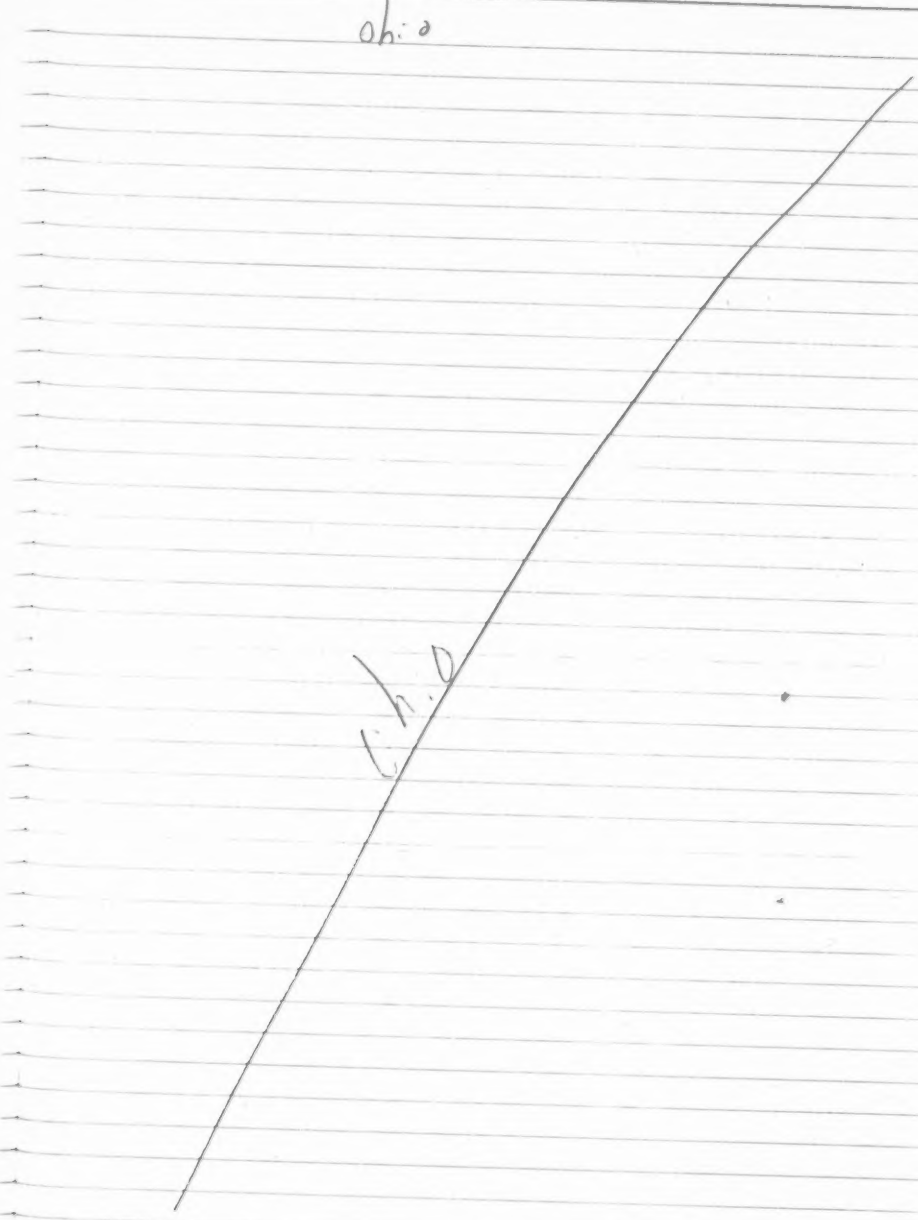
SUNDAY 18 OCTOBER

OCTOBER 19 MONDAY 1981 292nd day - 73 days follow

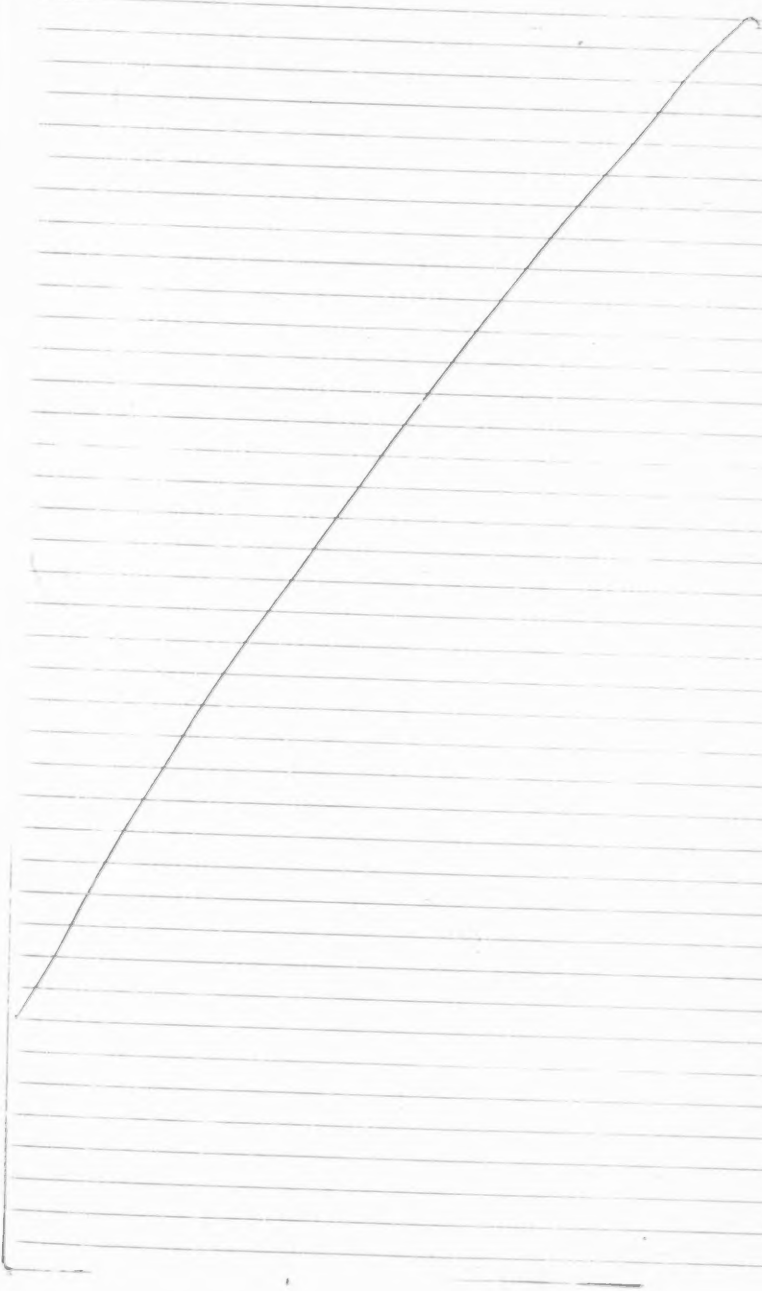
81-730-CR discov. Complete; dft's motion due

1981 293rd day - 72 days follow

TUESDAY 20 OCTOBER



OCTOBER 21 WEDNESDAY 1981 294th day - 71 days follow



P.
1:0
1:3

1981 295th day - 70 days follow

THURSDAY 22 OCTOBER

Bethune Cookman

Bethune-Cookman

VCCT - Breakfast meeting
7.45

Cookman

P-T Conferences) Ft. Laud.

1:00 - 81-6216-Civ (Pretrial Cruise v 81-6067-Civ Air Fla.
1:30 - 79-6511-C.A (79-6598-Civ Garg Mail, Cons. v
77-6121-Civ CCollins v Bauman)

OCTOBER 23 FRIDAY

1981 296th day - 69 days follow

1981 297th day - 68 days follow

SATURDAY 24 OCTOBER

OCTOBER 25 SUNDAY 1981 298th day · 67 days follow

1981 299th day - 66 days follow

MONDAY 26 OCTOBER

Specially Set: Miam.

9:30
Jury Trial - Becker v. Allstate 78-2001

NOON. Alan Chaset ~~633-6326~~ 10/13

OCTOBER 27 TUESDAY

1981 300th day - 65 days follow

1981 301st day - 64 days follow

WEDNESDAY 28 OCTOBER

Nova

5.30 - 8.10 - Reception honoring Federal Judge & magistrate

OCTOBER 29 THURSDAY 1981 302nd day - 63 days follow

1:30 - Calendar Call: Ft. Laud.
Criminal

Civil
81-6216-Civ Sitmar Cruises
81-6067-Civ Air Fleets
79-6511-Civ & 79-6598-Consolidated (Carg MAIL)
77-121-Civ (Collins & Bauman)

1981 303rd day - 62 days follow

FRIDAY 30 OCTOBER

OCTOBER 31 SATURDAY

1981 304th day - 61 days follow

Hallowe'en
Reformation Day

SEPTEMBER 1 TUESDAY

1981 244th day – 121 days follow

WEDNESDAY 2 SEPTEMBER

1981 245th day – 120 days follow

RESPONDENT'S EXHIBIT #102

2794

SEPTEMBER 3 THURSDAY

1981 246th day – 119 days follow

FRIDAY 4 SEPTEMBER

1981 247th day – 118 days follow

2795

SEPTEMBER 5 SATURDAY

1981 248th day – 117 days follow

SUNDAY 6 SEPTEMBER

1981 249th day – 116 days follow

2796

SEPTEMBER 7 MONDAY

1981 250th day – 115 days follow

Labor Day

TUESDAY 8 SEPTEMBER

1981 251st day – 114 days follow

2797

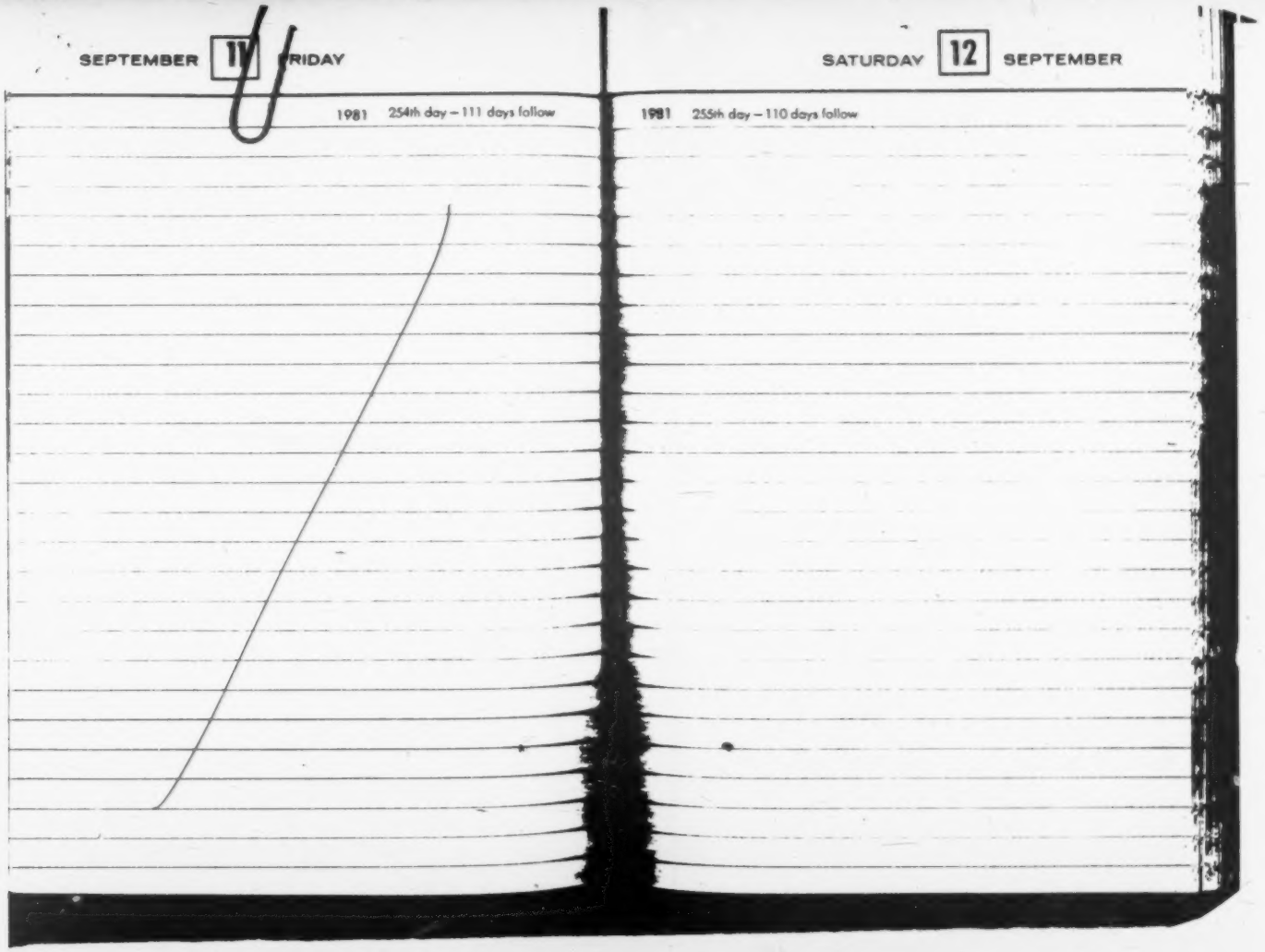
SEPTEMBER 9 WEDNESDAY

1981 252nd day – 113 days follow

THURSDAY 10 SEPTEMBER

1981 253rd day – 112 days follow

2798


SEPTEMBER 11 FRIDAY
1981 254th day – 111 days follow
SATURDAY 12 SEPTEMBER
1981 255th day – 110 days follow

2799

SEPTEMBER 13 SUNDAY

1981 256th day – 109 days follow

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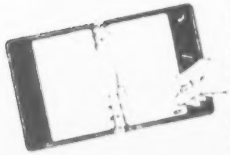

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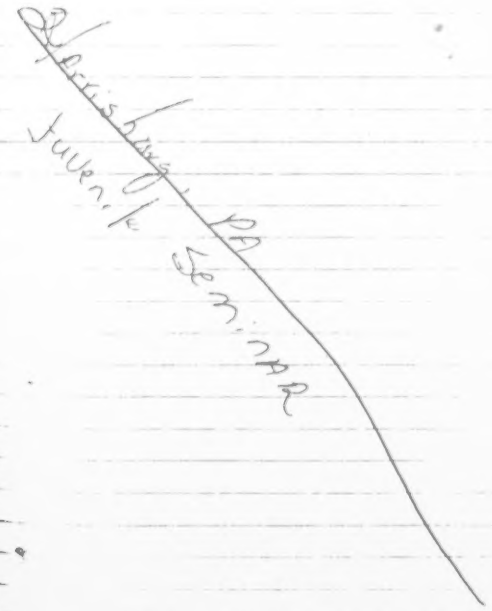


21-613 O—89—36

2801

SEPTEMBER 15 TUESDAY

1981 258th day – 107 days follow

WEDNESDAY 16 SEPTEMBER

1981 259th day – 106 days follow

9:00 Health EXAM

2802

SEPTEMBER 17 THURSDAY

1981 260th day – 105 days follow

9:00 Dr. Wilhelm - Eye Exam

FRIDAY 18 SEPTEMBER

1981 261st day – 104 days follow

SEPTEMBER 19 SATURDAY

1981 262nd day – 103 days follow

SUNDAY 20 SEPTEMBER

1981 263rd day – 102 days follow

9:30 - Leo Gelber - Brotherhood
Breakfast

12:01 - Cathy Stubbs (Hollywood)

SEPTEMBER 21 MONDAY

1981 264th day – 101 days follow

TUESDAY 22 SEPTEMBER

1981 265th day – 100 days follow

Guinness Ltr
Zora Neale Hurston Dinner

2805

SEPTEMBER 23 WEDNESDAY

1981 266th day – 99 days follow

THURSDAY 24 SEPTEMBER

1981 267th day – 98 days follow

2806

SEPTEMBER 25 FRIDAY

1981 268th day – 97 days follow

SATURDAY 26 SEPTEMBER

1981 269th day – 96 days follow

Urban League
Whitney Young Jr. Award
Dinner

2807

SEPTEMBER 27 SUNDAY

1981 270th day – 95 days follow

MONDAY 28 SEPTEMBER

1981 271st day – 94 days follow

SEPTEMBER 29 TUESDAY

1981 272nd day – 93 days follow

Rosh Hashanah – First Day of Jewish New Year 5742

WEDNESDAY 30 SEPTEMBER

1981 273rd day – 92 days follow

Rosh Hashanah – Second Day of Jewish New Year 5742

2809

OCTOBER 1 THURSDAY

1981 274th day – 91 days follow

FRIDAY 2 OCTOBER

1981 275th day – 90 days follow

OCTOBER 3 SATURDAY

1981 276th day – 89 days follow

8:00 Roast Judge Willie Ferguson

SUNDAY 4 OCTOBER

1981 277th day – 88 days follow

OCTOBER 5 MONDAY

1981 278th day – 87 days follow

7:30 Democratic Club
SAM KASTEN

TUESDAY 6 OCTOBER

1981 279th day – 86 days follow

2812

OCTOBER 7 WEDNESDAY

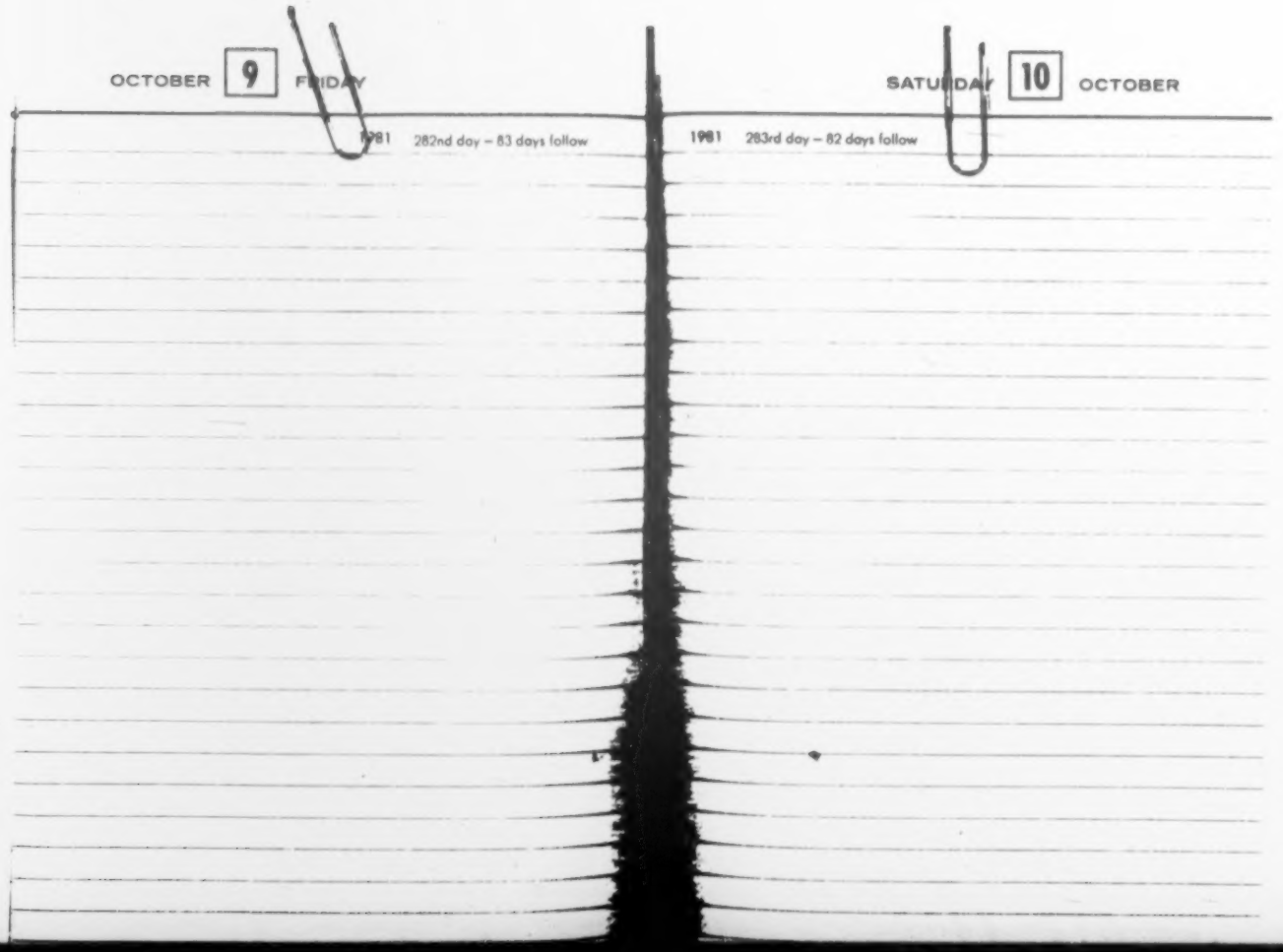
1981 · 280th day – 85 days follow

THURSDAY 8 OCTOBER

1981 281st day – 84 days follow

Yom Kippur – Day of Atonement

Albany State
Albany, GA.


OCTOBER 9 FRIDAY
1981 282nd day – 83 days follow
SATURDAY 10 OCTOBER
1981 283rd day – 82 days follow

OCTOBER 11 SUNDAY

1981 284th day – 81 days follow

Orlando - 369th
Veterans Assoc.

MONDAY 12 OCTOBER

1981 285th day – 80 days follow

Columbus Day

2815

OCTOBER 13 TUESDAY

1981 286th day – 79 days follow

Succoth

NOON Alan Chaset

WEDNESDAY 14 OCTOBER

1981 287th day – 78 days follow

2816

OCTOBER 15 THURSDAY

1981 288th day – 77 days follow

Kentucky - ABA

FRIDAY 16 OCTOBER

1981 289th day – 76 days follow

Kentucky - ABA

Bill Borders
WASHington

OCTOBER 17 SATURDAY

1981 290th day – 75 days follow

9.30 Am

Broward Comm College

Pat Bastini

SUNDAY 18 OCTOBER

1981 291st day – 74 days follow

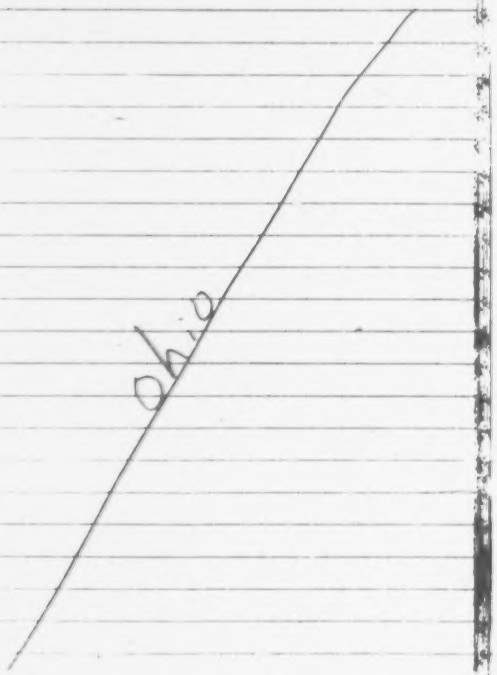
2818

OCTOBER 19 MONDAY

1981 292nd day – 73 days follow

TUESDAY 20 OCTOBER

1981 293rd day – 72 days follow



OCTOBER 21 WEDNESDAY

1981 294th day – 71 days follow

THURSDAY 22 OCTOBER

1981 295th day – 70 days follow

Barbara Cochran

2820

OCTOBER 23 FRIDAY

1981 296th day – 69 days follow

SATURDAY 24 OCTOBER

1981 297th day – 68 days follow

Barbara Contract

2821

OCTOBER 25 SUNDAY

1981 298th day – 67 days follow

MONDAY 26 OCTOBER

1981 299th day – 66 days follow

RESPONDENT'S EXHIBIT #106

Dear Judge Tamm,

I am hereby ~~reply~~ responding to your letter of June 16, 1982.

My present plans call for me to resign from the Housing Finance Corp pursuant to Advisory Opinion #30. This non-profit group provided housing for the elderly in Ft. Lauderdale and that's all.

Regarding the investment in Kenilworth Systems, the shares as of ~~Feb~~ July 9, 1982 are valued at

OCTOBER 27 TUESDAY

1981 300th day – 65 days follow

WEDNESDAY 28 OCTOBER

1981 301st day – 64 days follow

Reception for Judges
more info to come

OCTOBER 29 THURSDAY

1981 302nd day – 63 days follow

FRIDAY 30 OCTOBER

1981 303rd day – 62 days follow

OCTOBER 31 SATURDAY

1981 304th day – 61 days follow

Hallowe'en

Reformation Day

SUNDAY 1 NOVEMBER

1981 305th day – 60 days follow

All Saints Day

2825

1981 273rd day—92 days follow
Rosh Hashanah
Second Day of Jewish New Year 5742

WEDNESDAY 30 SEPTEMBER

#13

80-6071-CR
9:45-4:15PM

Jury Trial Resumes
USA
vs
Dominic Santarelli

Mario Owens Asst. D.A.
& David Rosen, Esq.

X

Witnesses:
Eli I. Scott
Joan Santarelli (atty. Charles Rich)
Douglas Haas
Charles Kopacko
Hartford Kittel
Arthur R. Eberhart (to be examined 10/1/81)

80-6046 CR
2:00 - 2:20 PM

Change of Plea
USA
vs
Lorraine Baker

Robert Lipman
Charles Rich, Esq.

5:00 PM - 7PM
#81-1269 CIV
(2 firs.)

Clarification Hearing
Marie Lucie Jean
vs
Doris Meissner, Esq

Ira Kurzban
Max Weiss
Bruce Winick
Dawn Stitzky
Richard Mansbach, Esq.

Rejected by Eliane Lowrence

RESPONDENT'S EXHIBIT #103

2826

OCTOBER 1 THURSDAY 1981 274th day—91 days follow

#74

Miami

Jerry Trial Reserve

#80-6071 CR USA Mike Owens Dept of Justice
9:00 – 12 noon vs
Domenick Santorelli & David Cohen Esq.

X Witness (Continued) Arthur R Eberhart

1:30 – 3:00 Calendar Call Fort Lauderdale

81-352-CR USA v Izquierdo et al
81-364-CR USA vs Wetherall
81-607 CR USA v Snyder et al
80-6124 USA v De Zalega
81-287 CR USA v Turbill
81-355 CR USA v Mastry Fields
81-365 CR USA v Boston
81-245 CR USA v Lombardo et al
81-247-CR USA v Williams et al
80-6168-Civ Rivera Abad v Mayfarooms et al
81-8074-Civ Moore v UPS
78-8300 Civ Outboard v Buckles et al
80-6263 Civ Rodney v Burnup & Sims
80-6127-Civ Services v Rose Monterey
77-1241 Civ Steelmes et al v Cooke et al
80-8113 Civ Christie v Saunders
78-4659 Civ Lewis v Simonton
81-8177 Civ Wall v Gotbetter
80-6225 Civ United Fed v US Life et al

2:30-2:40
Show Cause Hearing
USA v Defee
81-8077-Civ
81-8078-Civ

Miami 3
hours: Ft. Laud. 2½

1981 275th day—90 days follow

#75

FRIDAY 2 OCTOBER

Miami

Jerry Trial Reserve

#80-6071 CR USA Mike Owens Dept of Justice
9:00 – 4:00 vs
Domenick Santorelli & David Cohen Esq.

X witness Michael Abbate

Miami – 7 hrs.

OCTOBER 5 MONDAY #16 1981 278th day — 87 days follow

Miami

#80-607-CR-ALH Jury Trial Resumes
9:30 - 5:15 PM USA Mike Quinn AUSA
vs
Dominic Santarelli E. David Rosen Esq.
Witness's: Wilmer Lorg Preston
Gomar Potter
Dennis Clark
Richard Geier
Alfred Lorraine LaMarmora
John Mecrow

#81-385-CR-ALH Status Conference
12:00 - 12:30 USA Michael Burnbaum AUSA
vs
Salvatore Lombardo Steven E. Hoyer
Estanley Neal Harris Speiser
Al Enfiel fugerue
Anthony Villazon fugerue
Paul Santos Orville McArthoff
Al Leichtman fugerue
John Doe a/k/a Bronco fugerue
John Doe a/k/a Mugie fugerue
Paul Lombardo Harris Speiser

Miami: 8 hrs

1981 279th day — 86 days follow #17 TUESDAY 6 OCTOBER

MIAMI

Jury Trial Change of Plea
#81-607-CR USA John Pegram AUSA
9:35 - 9:52 vs
Jorge Wrenden Mark Muniz

#81-398-CR-ALH Change of Plea
9:30 - U.S. John Pegram AUSA
vs
Edith Stewart Ronald Polk FPD

#80-6002-CR-ALH Sentencing
9:53 - 10:15 USA John Pegram AUSA
vs
Ezekiel Vienna Hilliard Moldof

#77-6071-CR-ALH Jury Trial Resumes
10:30 - 9 PM U.S.A. Mike Quinn
vs
Dominic Santarelli E. David Rosen

Ronald Weinstein Ziegler, Ziegler, Zyskind, Gray

81-211-CIV-SMA Status Conference
1:30 - 2:00 PM Re: Settlement to Stockholders
2:30 - 3:00 PM Settlement Conference
Final Approval and Dismissal
Ronald Weinstein
Dominic Sorota
Ronald Herbert
Frances Carter

MIAMI: 12 hours

2828

$1.96 cents a share ~~per~~ according to a broker at Merill Lynch. Hence, Unfortunately. the 150 shares are worth $294.00.

Please accept this letter as an ammendment to my Financial Disclosure Report.

Sincerely,

Editor
Daytona Beach Times
Daytona Beach, Florida

Dear Charles,

I write this letter to express my deep gratitude to all of the people who helped make "A Night with Alice" a success.

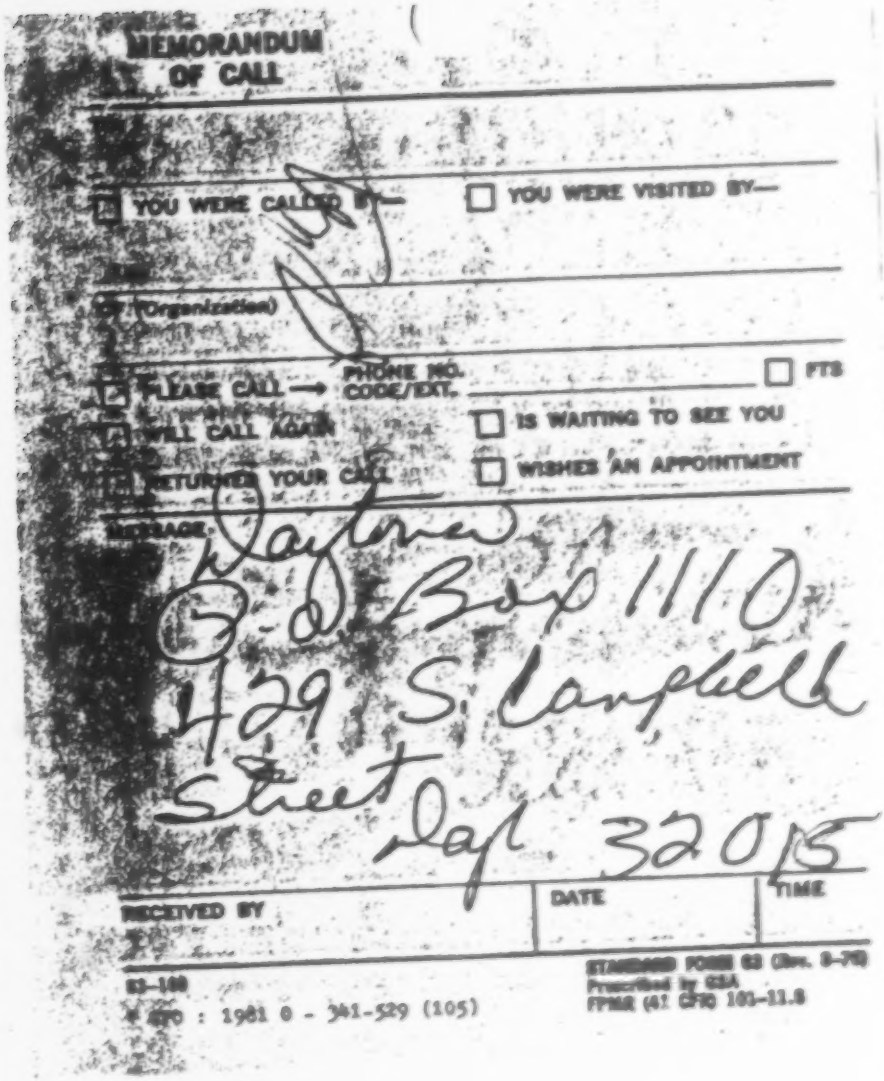
The prayers, love, time, and generous contributions are so very much appreciated.

It means so much to me to know that

So many people in Daytona wish me well.

Be assured that the confidence and trust manifested by Daytonans will not be betrayed.

Thank you all so much.



MEMORANDUM OF CALL

☒ YOU WERE CALLED BY— ☐ YOU WERE VISITED BY—

NAME

OF (Organization)

☒ PLEASE CALL → PHONE NO. CODE/EXT. ☐ FTS

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

Daytona
P. O. Box 1110
429 S. Campbell
Street
Dayt. 32015

RECEIVED BY	DATE	TIME

53-109
* GPO : 1981 0 - 341-529 (105)

STANDARD FORM 63 (Rev. 8-70)
Prescribed by GSA
FPMR (41 CFR) 101-11.8

MEMORANDUM OF CALL

TO:

☐ YOU WERE CALLED BY— ☐ YOU WERE VISITED BY—

OF (Organization)

☐ PLEASE CALL → PHONE NO. CODE/EXT. _____ ☐ FTS

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

Alpha
Zeta Rho Omega
P.O. 16838
Blanchester
33318

RECEIVED BY	DATE	TIME

63-188
* GPO : 1981 0 - 341-529 (105)

STANDARD FORM 63 (Rev. 8-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.6

note:
Kelly Bernard
Neral
O & Sysco
Shanks 11 O Lark
11 F.d. 7 — 6
— 7 dissent
future

Day Takigo —

8:37 a

AKA

I am writing to thank you all for the kind honor bestowed upon me recently.

Further I was/am overwhelmed by your very generous contribution.

So many of you offered good wishes and prayers. I thank you for all of your kindness.

Whats more important is to see your fortune

2

the fine pursuits
for the betterment of
Black people.

I shall put forth
every possible effort
to demonstrate that
I merit your generosity.

You are all so
beautiful. Thank you
one and all.

IC 3029

16 Oct. 1980

RESPONDENT'S EXHIBIT #100

Dear Al,

I called last night to talk with you and your Mother. Had a nice chat with her I wanted to thank you again for your help to us.

It has been extremely rough and more-n-racking for the family for over 3 years now. With the help of the Lord - and you and other friends and relatives we have managed to stay alive.

Shirley is working, (not much of a take home salary wise) I get a small social security check - no other income. When I pay rent, I have $60 left. I have insurances to pay, light and heat bills, telephone, food and gas to buy. I have to try to keep my car running because I have to take Kimpie home from school most of the time - and carry him other places - although he lives with his mother. He just "stays" there, really. She carries him to School in the mornings but makes no arrangements to get him home or any where else. He is involved in football, soccer

and other school activities. You know how it is with a teen-ager He will be 16 tomorrow - a critical age, adolescent age

For nearly 2 weeks Elliott has been ill with a cold and the croup. Shirley had to stay home several days with him. She cannot afford to stay off the job. I keep him sometimes. He is so heavy and very active that I can hardly manage him. (Since he 72 in a few days) I have arthritis in my knees and a sore and sunk arm resulting from a sprain some time ago. We need Hempie home badly.

I am writing to ask you to please help me to get him out of Maxwell. That's what I wanted to talk to you about.

Hempie said he wanted to ask you himself but decided it is better for me to ask you since he cannot talk confidential and private. (He's been there 7 months)

We say you know Warden Cross very well and he thinks very highly of you.

We want you to call the Warden and ask him to please release Hempie to a Half Way House immediately - Columbia or Charleston. Tell him how you have been helping us financially since

15 months, yes.

3

Kemper has been away. Lord, Kemper can't give him the 7 listed reasons why he should be out. This is very important - Sergeant

1. He has to start all over again.
2. He has been disbarred - cannot practice law.
3. He can't use of his property
4. He is indebted to D R's
5. He does not have a job
6. He has no money
7. He has receipts, Leone and me to support.

Ok, please emphasize Kemper situation to him. Time is of essence so I am writing to you since you may not get around to calling me tonight. Please call him immediately and then call me and tell me what happens. Will you?

Again, many many thanks for all you have done and what you can do now.

Sorry myself to stay up my night.

Sincerely,

Ward Slade
303 256 4718

CASE NO. 81-596-CR-ETG

USA

VS. Hostings

DEFENDENT'S EXHIBIT 18

DATE _____ IDEN.

DATE _____ EVID.

BY _____
Deputy Clerk

— Respondent's 108 —

RESPONDENT'S EXHIBIT #110 A

THE STATE OF SOUTH CAROLINA
In The Supreme Court

In the Matter of Hemphill P. Pride, II, ... Respondent.

Opinion No. 21462
Filed May 26, 1981

INDEFINITE SUSPENSION

Attorney General Daniel R. McLeod, Assistant Attorneys General Richard B. Kale, Jr., and James W. Johnson, Jr., all of Columbia, for complainant.

David W. Robinson, II, of Columbia, for respondent.

PER CURIAM: This matter is before the court for review as a result of the report of the Executive Committee of the Board of Commissioners on Grievances and Discipline. The respondent Hemphill P. Pride, II, a practicing attorney in Columbia, has been found guilty of misconduct under the rules of this court. Both the Executive Committee and the Panel, which heard his case, have unanimously recommended disbarment.

The complaint, upon which the Panel based its recommendation, charged:

> "The Respondent on December 16, 1977, was found guilty of the following crimes:
>
> Ten counts of willfully using, causing to be used, and authorizing the use of certain rents and other funds derived from the apartment project known as Arrington Manor, Columbia, South Carolina, of which respondent was owner and which was secured by a multi-family housing mortgage, such use being contrary to prescribed regulation and in violation of Title 12, United States Code, Section 1715z-4(b) and Title 18, United States Code, Section 2."

Such is alleged to

> " . . . constitute misconduct under Paragragh 4 of the Rules on Disciplinary Procedure in that Respondent has violated the Code of Professional Responsibility, has been found guilty of crimes of moral turpitude, and has engaged in conduct tending to pollute or obstruct the administration of justice or to bring the courts or legal profession into disrepute."

Respondent was the owner of Arrington Manor, a 55 unit, six-story apartment complex, sponsored by him through the Columbia office of the Housing and Urban Development Department. Under his arrangement with HUD, he borrowed $810,000 with interest at 8%, 3% of which the government paid and 5% of which he paid. Under the terms of his mortgage agreement with the government, he was forbidden in case of default to use any part of the rents or other funds derived from the mortgaged property except as required to meet actual and necessary expenses arising in connection with the operation of the property. The federal statute referred to in the complaint made the use of rents, etc., for other purposes, while payments on the mortgage were in default, a crime. Under this statute, one is guilty who

> " . . . willfully and knowingly uses or authorizes the use, while such mortgage is in default, of any part of the rents or other funds derived from the property covered by such mortgage for any purpose other than to meet actual and necessary expenses arising in connection with such property (including amortization charges under the mortgage). . . . ."

filed herewith. Either sanction requires, and the respondent Hemphill P. Pride, II is hereby directed to return his certificate of admission to the bar to the Clerk of this Court within five days from notice of the filing of this order.

s/ J. Woodrow Lewis C.J.

s/ Bruce Littlejohn A.J.

J. B. Ness, George T. Gregory, Jr., and David W. Harwell, JJ., concur and dissent.

HARWELL, A.J. (concurring and dissenting): I concur in the finding and recommendation that the respondent should be held guilty of misconduct as set forth in our rules, but I am of the view that disbarment is too severe under the facts of this case. I therefore respectfully dissent from that portion of the opinion which would bring about disbarment.

The respondent was convicted in Federal Court for the misuse of rents or other funds derived from his own property. The property was security for a mortgage insured by the Department of Housing and Urban Development and the mortgage was in default. I am unaware of any other mortgage transaction wherein the use of rents or other funds by the owner for any purpose is a criminal offense merely because the mortgage is in default. Being of the view that no moral turpitude was involved, I would impose indefinite suspension as the appropriate sanction.

Inasmuch as two other members of the court join in this dissent, the ultimate result and order of the court is that the respondent be indefinitely suspended. As indicated in the proposed per curiam opinion, respondent Hemphill P. Pride, II is directed to return his certificate of admission to the bar to the Clerk of this Court within five days from notice of the filing of this order.

s/ David W. Harwell A.J.

WE CONCUR:

s/ J. B. Ness A.J.

GREGORY, A.J. (concurring and dissenting): I, too, concur in the finding and recommendation that the respondent is guilty of misconduct, but am of the view the criminal offense involved moral turpitude. However, I join the majority to impose indefinite suspension as the appropriate sanction.

s/ George T. Gregory, Jr. A.J.

IN THE MATTER OF HEMPHILL P. PRIDE, II

The penalty provided is a fine of not more than $5,000 or imprisonment of not more than three years, or both.

Respondent was found guilty on ten counts involving a total of approximately $30,000, and involving monthly misappropriations from July 1976 to February 1977. At the time of the disciplinary hearing respondent was serving a three-year prison term in a federal institution.

The complainant's case against the respondent consisted of the introduction of four written documents:

(1) Indictment which was filed October 11, 1977, which served as a basis for the convictions,

(2) A certified copy of the certificate of conviction,

(3) A certified copy of the decision of the Fourth Circuit Court of Appeal of the United States, and

(4) A certified copy of the order of the United States Supreme Court denying *certiorari*.

The respondent takes the position that the sanction recommended to the court is too severe,[1] that no moral turpitude is involved, and that the violation, though criminal in nature, is in the category of a technical violation of a governmental regulation. The Panel, which heard the case and recommended disbarment, unanimously concluded as follows:

> "Respondent's conviction under Title 12, United States Code, Section 1715z-4 (b) involved the commission of a crime involving moral turpitude and constituting the commission of a serious crime.
>
> Despite Respondent's contention that he was unaware of the federal statute in question, conviction under such statute requires that Respondent 'willfully' violate the same."

The Executive Committee, which acted upon the Panel's recommendation, voted unanimously to adopt the findings of fact and conclusions of law of the Panel and joined in the recommendation to this court of disbarment.

While this court may draw its own conclusions and make its own findings, *Burns v. Clayton*, 237 S.C. 316, 117 S.E.2d 300 (1960), the unanimous findings and conclusions of both the Panel and Executive Committee are entitled to much respect and consideration. Upon a hearing before us, it is incumbent upon the respondent to show that the recommendation should not be followed. This he has failed to do.

We agree with the Panel and with the Executive Committee, which found that the conduct of the respondent involved moral turpitude. The improper use of funds here is not unlike breach of trust or misappropriation of funds held by an attorney for his client. The jury, on each of the ten counts, has found beyond a reasonable doubt that the respondent " . . . willfully and knowingly . . . " used monies which he was under contract and bound by law to hold for the mortgagee. It obviously did not accept the contention that there was no intentional wrongdoing. By using these funds for his own purposes, he effectively defrauded the government of money to which it was entitled. No restitution has been made and the mortgage has been foreclosed.

The court accepts the recommendation of the Panel and of the Executive Committee that the respondent be found guilty of misconduct and that disciplinary action is appropriate.

The court is divided on the issue of the proper sanction, three members of the court being of the view that indefinite suspension is more appropriate than the disbarment recommended. Accordingly, the view that the respondent should be indefinitely suspended prevails, as indicated in the concurring and dissenting opinion

1. Other permitted sanctions are private reprimand, public reprimand, and indefinite suspension.

- RESPONDENT'S EXHIBIT #112 -

PREPARED STATEMENT

I requested this meeting to discuss the on-going investigation the Department of Justice is conducting into allegations of criminal conduct on my part. The manner in which the investigation has been, and is being undertaken, and the what-I-perceive-to-be far reaching effects of it are the two primary areas that I should like to discuss. Then, if you should be so inclined, I should like to dabble a bit in the meaning of it and its resolution.

Undoubtedly investigators for the FBI are characteristically competent and ethical in carrying out their duties. There are, however, out-of-character instances which have occurred during this investigation which so concerned me that I feel compelled to share them with you - (1) so that you may take whatever steps you deem necessary regarding this conduct and (2) so that it doesn't happen again during this investigation.

This investigation is replete with instances of overzealousness, lies, innuendos, misquotes, inaccuracies, media leaks, snide remarks by investigators, unprofessional interrogation, mistakes and callousness. I am genuinely concerned; the events of which I speak are as follows:

1. Beginning four (4) days prior to the publicly announced commencement of the Grand Jury investigation and for each of those four (4) days immediately preceding the Grand Jury investigation, and continuing to the present, the nation and particularly, the South Florida area was saturated with a flurry of adverse publicity. The timing and the details suggest that this information was garnered from those "in the know" involved in this investigation. The gusher-like leaks to the media, in my opinion, are deliberate and calculatedly designed to assasinate my character. Additionally, these media leaks carry the dangerous potential for tainting the sitting Grand Jury hearing this matter and the community from which a potential venire panel may be selected in the event I am indicted. As examples I cite the following excerpts from newspapers, News Week Magazine and the National Law Journal:

MIAMI HERALD

"Mobster meets with friend of Hastings." (Byline)

"...FBI agents have seen Florida's most noted mobster, Santo Trafficante, Jr., meet twice with prominent Washington, D.C. lawyer accused of soliciting payoffs on U. S. District Judge Hastings' behalf.

The FBI's surveillance began after a confidential informant reported that Attorney William A. Borders, Jr., said the Judge was willing to dismiss the Trafficante case for a huge cash payoff, sources said..."

"Hastings Sought by FBI" (Byline)

"Evidence in Hastings Bribery Case called 'Strong but Circumstantial" (Byline)

"...what the government has, one source said is a "strong but circumstantial case" that depends not on a single event, but on a string of meetings, telephone conversations and trips..."

"...during one discussion, sources said, Borders allegedly told Hastings he was ready to pick-up the second piece of something that is not identified...."

"...the government is prepared to argue that the two pieces are references to two bribes Borders allegedly received from the FBI's undercover agent. The arrest of Borders was a calculated risk, sources said. FBI agents could have tried to follow the moneys trail to see if the cash was given to the Judge.

But Justice Department Officials were concerned that the moneys trail might be lost and the entire investigation blown. They opted for arresting Borders while he still had the money, an arrest sufficiently dramatic that it might convince Borders to cooperate in the Hastings' probe. Borders refused and pleaded not guilty.

I wish to make a comment with reference to the so called refusal of Mr. Borders to cooperate with

officials. It is patently known by the Justice Department and all of us directly concerned that is an out and out lie that has appeared in The Miami Herald and in The Washington Post, words to the effect that Mr. Borders was sought to cooperate with officials and refused. You know and I know and Mr. Borders' attorney has said so, that no such offer has been made and no such refusal has been forthcoming from Mr. Borders' attorney or himself.

Furthering my comments with reference to this particular article, be assured that as a sitting judge and as a practicing attorney for nigh on to twenty (20) years I have never seen the name and picture of a so called confidential informant displayed in the manner in which William Carey Dredge, the alleged confidential informant's name, has been bandied about in this investigation. While I share no real concern with reference to Mr. Dredge, other than that his well being be maintained, I find that you acted with utter disregard for his well being by putting him on display in the media in the manner in which you did. Pray tell me where on earth would the media have learned that William Dredge was the alleged confidential informant, but for government sources having so identified him to the media.

NATIONAL LAW JOURNAL

"Was This Judge's Courtroom for Sale?" (Byline)

...the extraordinary case marks one of the rare occasions in which a sitting federal judge has been

the target of a Justice Department investigation.

And it is, several prosecutors said reminiscent of the complex investigative work done by the FBI in the Abscam probes and other noted "Sting" cases.

Sources said that FBI agents also are poring over records of dozens of criminal cases handled by the Judge since he was appointed to the Federal Bench in 1978.

...in a tapped phone conversation on October 5, Mr. Borders allegedly told the undercover agent that the Judge was about to issue the order releasing the property. The next day, Judge Hastings issued the order. Sources familiar with the probe said that the Romanos had never filed a request with the Judge for such an order.

...one wire tapped conversation between the Judge and the lawyer, for example was "vague" said one federal source...

NEWS WEEK MAGAZINE

"...while prosecutors think they have Borders cold, they say that they lack the evidence to charge Hastings. They have no proof that the Judge received any cash and have no plans to do anything more serious than pursue a Grand Jury investigation, during which they can carefully examine his finances. Many Miami based federal agents

would like to be rid of Hastings: they think he gives light sentences and low bail for drug smugglers, sensitive issues in South Florida which is a major point of entry for Latin American narcotics. In the most conspicuous case he reduced the bail for alleged cocaine peddler, Alfredo Gutierrez, from $3 million to $1 million, against the strenuous protests of prosecutors. The defendant then disappeared for 18 months before surrendering this month. The Judge has also annoyed the Immigration and Naturalization Service by repeatedly delaying the deportation of illegal Haitian refugees.

MIAMI HERALD

"...During the next month prosecutors will present...."

I wish to comment right here regarding the above excerpt for the reason that I find it absolutely appalling that the media knows about the transpiration of the Grand Jury's progress. How could The Miami Herald have known that it would be "during the month" that this investigation would proceed but for someone from the Justice Department saying just that to them.

The Grand Jury is supposed to be secret and most of the cloak of secrecy has been torn off during this investigation.

As a follow-up to this kind of continuous allowing the media to know the stages of the Grand Jury process

I refer you to the following excerpt from The Miami Herald:

> "....Justice Department officials had planned to ask the Grand Jury here to indict Borders on bribery and conspiracy charges this week, but have postponed the jury's session until prosecutors meet with Hastings."

Regarding this meeting that we are in at the present time, The Miami Herald reported the following:

> "....Sources said the meeting probably will be attended by FBI agents and high-ranking officials of the Justice Department's Public Integrity Section. The prosecutors are not expected to closely question Hastings during the meeting."

WASHINGTON POST

"...Law enforcement sources said that the Romanos had not filed a petition asking the Judge to rescind his earlier order and return the property to them."

"...The undercover agent and Borders met in a car in the motel's parking lot. Borders was there to collect the final bribe payment - $125,000, court papers alleged. The parking lot was crawling with FBI agents. Within moments after the $125,000 exchanged hands Borders was arrested sources said."

Since this article appeared, in a hearing for Mr. Borders, in the Eastern District of Virginia, Special Agent William Murphy has testified that no such exchange did in fact take place and that Mr. Borders and the undercover agent met in a motel room.

It is this kind of inaccurate leaking of information that has all of the inherent potential aforementioned and which I shall cover in my conclusion regarding these type media leaks.

CHANNEL 7 NEWS - WCKT (MIAMI)

"...next Thursday, Judge Hastings will himself become a defendant when he appears before the Grand Jury."

All of us, and especially those of us that are lawyers, know that most of the aforementioned excerpts represent information that should, for the moment, be possessed by the appropriate officials and presented only to the Grand Jury hearing this matter.

Further, we know that some of the excerpts will never be presented to the Grand Jury as evidence, and cannot at any time be admitted as evidence in a court of law. The only possible uses for these media leaks are those previously mentioned and to assist in your hysterical rush to judgment to have me convicted in an obviously inappropriate forum - the media.

These examples are but a few and are not necessarily the worst. However, they highlight the shoddiness of some persons "close to the investigation" and the carelessness with which this investigation has proceeded.

This kind of flagrant misconduct on behalf of our government's well trained professionals must cease.

2. On October 9, 1981, pursuant to a subpoena to testify before Grand Jury, copy attached as Attachment A, directed to Secretary, Chambers of the Honorable Alcee Hastings, United States Courthouse Building, 300 N.E. 1st Avenue, Miami, Florida an FBI squad that included Agents Amoroso, Aldrich, John Simmons and Joe Usher, and perhaps others unknown to me at this time, converged upon my office in the Federal Courthouse and proceeded to illegally seize and remove documents and files without benefit of a warrant. In addition thereto, certain of these agents went into the inner-office of my Chambers and remained behind closed doors for a period between twenty (20) and thirty (30) minutes, rifling my personal files and desk without benefit of any search warrant whatsoever.

Of course, other events transpired, including the discussions with members of my staff that were present in the office at that time.

As reported in the media, "...the FBI was seen leaving Judge Hastings' Chambers with a box of documents and files." The fact is not until one member of my staff insisted that an inventory be prepared of those items that were rudely and inappropriately and illegally taken did the FBI permit the preparing of an inventory. That inventory as reflected here as Attachment B signifies those matters that were illegally seized after an illegal search of my office.

I wish it to be understood that I do not consider the above statements to be self-serving. If you feel that these items were not illegally seized and that my office was not illegally searched, then prove it, or be advised that I shall.

Most disconcerting was the attitude and manner of the investigators who were unnecessarily rough with members of my staff, ordering them around, shuttling them from place to place, searching their personal belongings without a warrant and telling them patent lies such as "I was being interrogated at that same time", and that I signed an order "out of the blue".

A particularly alarming incident occurred when in response to a call for help from one member of my staff, Judge Peter Palermo came to my Chambers to see what was happening and was given an opportunity to peruse the subpoena that the authorities were acting under to search and seize items from my office. Judge Palermo was courteous in his manner in trying to determine what was indeed transpiring, and tried to assist in calming my staff with reference to the "storm-trooper-like" attitude that was being displayed by the officials that were here in my Chambers at that time. Judge Palermo was "ordered" out of my office. In an apparent effort to comply, and not create confusion anymore than they had already created, Judge Palermo left under their instructions to do so. This is an obvious manifestation of the kind of attitude displayed. I am sure,

although it did not occur, that if the Judge had gone forward to assert himself, as he could have, that an unnecessary confrontation could have occurred. I cannot believe FBI agents would chase a United States Magistrate away from a judge's chambers, especially where those agents were not acting in accord with recognized standards.

The staff incidents during the day of October 9th, in my Chambers, are too numerous to mention without great prolixity. Be assured that they are equally abhorrent, and that I deplore them, and in the future will display in full form all of the matters that transpired in this office on that day.

To assist in characterizing the attitude of the agents, one investigator took apparent pleasure in making a snide remark to one of my law clerks while interrogating her in his official capacity. He said "this will teach your Judge about his outlandish remarks about Ronald Reagan." I wish to make it clear that I do not believe that responsible officials, nor any member of the Reagan Administration were directing that kind of conduct. I would take umbrage if that were the case, but I do not offer same. But it does suggest the poor state of mind of at least one special agent of the FBI.

On October 9th two (2) investigators, one male and one female met with Patricia Williams in her office at the Equal Employment Opportunity Commission in Miami. The female

investigator immediately positively identified Ms. Williams as "the female with Judge Hastings on September 17th at the Fountainbleu." Though she later retreated from the "positive identification", she, nevertheless cast innuendos to Ms. Williams that I am "an unfaithful individual". Ms. Williams was lied to on more than one occasion during her interrogation, including the representation that I was being interrogated at the same time. While this may appear not to be significant, the fact is official investigators who are involved in an investigation do not need, nor should they use, deception with other individuals to try to stage events that are not transpiring. If they have information they should be able to present it clearly, concisely and with professionalism.

3. This next item is one that I find particularly disconcerting.

I was astounded and outraged upon learning of some of Special Agent William J. Murphy's conduct during this investigation. Without a doubt he has been both devious and unethical. Attachment C is a letter prepared and hand-delivered to me by a law clerk on my staff. This letter cites the reprehensible conduct of Special Agent Murphy which I at this time share with you.

I can't imagine what unearthly reason or earthly reason a Special Agent of the FBI, involved at the level that Mr. Murphy is/was involved in this particular matter, would permit himself

to go forward in the manner described in my law clerk's letter.

If it is that he simply had the "hots" then his conduct would be viewed as wrong; if it is that he was trying to compromise a member of my staff during a sensitive investigation in which he is a principal investigator, then his conduct is purely unethical. I can only analogize this to a situation wherein as today, if I were to enter your office and see a person with whom I would like to be involved in some manner, that I would suggest to her in similar kind those things that Mr. Murphy did during the pendency of this investigation of me. That would be absurd, and his conduct was indeed ridiculous and stupid. Attached as Attachment D is a copy of the tacky handwritten telephone numbers offered to Mrs. Tyson, my Law Clerk, by Special Agent William J. Murphy.

4. I now turn briefly to the Grand Jury process. I believe that the process itself has been violated and used for investigative purposes. Rather than reporting evidence to the Grand Jury, the prosecutor and the Justice Department have used the Grand Jury to seek out evidence sort of as if it were on a fishing expedition. In light of the possibility that an indictment might obtain, I shall reserve further comment with reference to these matters for any potential post-indictment motions that might be filed.

5. Sometime before this investigation was made public, in a full staff meeting, I related to every member of my staff that I felt that my telephone at home and the phones at this office were being surveilled. Because of that I encouraged that they be very mindful of their undertakings.

Additionally, my Mother, who had on numerous occasions expressed genuine concerns about both of the telephones in our residence clicking, all sorts of abnormalities, confused garbling of voices on numerous occasions gave vent to my requiring verification of the telephone tap. I indeed am able to substantiate this and I have every reason to believe that you will categorically deny same. For that reason it is perhaps a subject that we might well just leave to this particular conference and other legal undertakings. However, I wish it known that I deplore that kind of conduct, and that if it is necessary I will seek to use that information that I have gathered with regard to telephone surveillance, or if you will, an illegal wiretap being placed on telephones that I or other persons may have used at a given time. Please stand advised.

6. I wish to relate just how disturbed I am at the slow process of the Grand Jury proceedings and I urge that as much as possible that you prioritize this investigation and expedite the proceedings because of the inherent problems that flow in a district as complex and overburdened as is the Southern District of Florida.

Judicial Administration is and should be a concern for us all. You knew and know that I am a sitting United States District Court Judge in the nation's most active district at the present time. By virtue of this cloud about me, it has caused further impacting of other judges calendars to a degree that is not warranted. Because you know these things, I thought that you would have prioritized all matters pertaining to this investigation and make your presentment to the Grand Jury in an expeditious manner. The Judges of this Court, and more importantly, the Southern District of Florida's citizens should have an immediate resolution of this matter.

7. I would like to think that you have given as much thought to this next area as I have, for I feel the effects of this "Apple-Eye" investigation are going to have far reaching and precedential consequences for us all.

This investigation has piqued national interest, and there is much speculation as to my guilt or innocence. There seems to be even more speculation as to why this matter is unfolding at all.

Some people speculate that this happening is the ultimate proof of the selective prosecution of Blacks in this country. These people are convinced that given the same fact pattern involving a White District Court Judge, not a political foe, the situation would be handled differently. A purely circumstantial situation such as this one would probably warrant a visit to the White judges' chambers.

Another group speculates that my situation is directly linked to my unpopular immigration decisions and my so called lenient "sentencing".

Still others are convinced that I am targeted because of my outspoken comments regarding the Reagan Administration. I hear these ideas so frequently, that I find it more and more difficult to dismiss them myself, and I wonder what role, if any, they do play. I would that you had the time to speak with the more than 100 lawyers that have communicated with me regarding this matter. I personally appreciate all of them for their comments. Hosts of lawyers in South Florida and a colony of lawyers from around the country have expressed outrage at this "get Judge Hastings" obsession by the Federal Government.

You must know the likelihood is great that a bribery trial might become, in this instance, an unfair political trial tinged with notions of racism. Whether the government wins or loses, it loses.

Speaking of winning, I know, as you must, that at the very most you could indictment me; you could never convict me.

I wish to thank you for permitting me to confer with you and I am hopeful of a favorable resolution for us all.

Submitted orally and copies hand-delivered November 9, 1981 in Washington, D.C. at the United States Department of Justice, Division of Public Integrity.

The media will be apprised of the contents of this statement.

		TR	NUMBER	MO	DAY	YEAR						NEAREST $1,000	NUMBER			
53C	1	80	1662 CIV JWK	07	01	80	3	190	1				3C24		80	1662 CIV JWK

PLAINTIFFS

BART T. TIERNAN III as
Trustee in Bankruptcy of the
Estate of Iota Ind. Inc.

RESPONDENT'S EXHIBIT #116

DEFENDANTS

ROMANO THOMAS,
ROMANO FRANK,
SHAPIRO DAVID & CO.
4300 Rock Island Corp, and
The Sea Inn of Hallandale Inc.

CAUSE BREACH OF FIDUCIARY AND CONTRACTUAL DUTIES.

ATTORNEYS

FLOYD PEARSON STEWART RICHMAN
GREER & WEIL, P.A.
Spec Counsel for Pltf Trustee
One Bisc Tower
Twenty Fifth Floor
Miami, Fl. 33131
305 3770241

BY GARY D. FOX

PETERS, PICKLE, FLYNN, NIEMOELLER,
STIEGLITZ AND DOWNS
Attys for David Shapiro and Co and
Alan Freeman.
628 Ingraham Bldgs
Miami, Fl. 33131
305 374-3103

DEFENDANT'S EXHIBIT 272

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARD	
	DATE	RECEIPT NUMBER	C.O. NUMBER	CARD	DATE MAILED
				JS-5	7/80
				JS-6	

UNITED STATES DISTRICT COURT DOCKET

DC 111 (Rev. 1/

80-1662 CIV JWK
X Cards JS 5

DATE	NR.	PROCEEDINGS	
1980			
JULY 1		Complaint.	1
1		Summons Issued to ThomaS Romano. Copy to file.	2
1		Summons Issued to Frank Romano. Copy to file.	3
1		Summons issued to David Shapiro & Co. Copy to file.	4
1		Summons issued to Alan Freeman. Copy to file.	5
1		Summons issued to 4300 Rock Island Road Corp. Copy to file.	6
1		Summons issued to The Sea Inn Of Hallandale, Inc. Copy to file.	7
16		Summons Issued to 300 Rock Island retd exec by serving Ivonne Ramsineh. auth to accept.	8
22		Motion for enlargement of time. (Deft.).	9
25		Summons issued to Freeman retd exec by serving Phil Goldstein on 7/21/	10
AUG 5		Summons issued to Sea Inn retd exec by serving T. Romano on 7/30/80.	11
6		Summons issued to Thomas Romano retd exec on 7/30/80.	12
6		Summons issued to Frank Romano retd exec on 7/30/80.	13
7		Notice of Taking Deposition of Bart T. Tiernan III at 2 pm Monday Sept 8, 1980. (Deft Shapiro).	14
7		Notice to Paoduce to Pltf. (Shapiro).	15
7		Memo of Law in Support of Motion to Dismiss. (Deft).	16
7		Motion to dismiss. (Deft).	17
7		Summons and Complaint issued to Shapiro retd exec by serving Phil Goldstein on 8/6/80.	18
8		Motion to enlarge time. (Pltf).	19
18		ORDER: Motion for enlargement of time is Granted for 15 days from 8/18/80. (JWK 8/18/80)	20
19		ORDER Motion to Enalrge time is GRANTED Pltf to have until Sept. 8 in which to respond. JWK. 8/19/80.	21
SEPT 4		Motion to Quash or in the Alternative Motion for a Protective Order. (Pltf).	22
4		Memo of Law in support of Pltf's Motion to quash or in the alternative Motion for a protective Order. (Pltf).	23
4		Affidavit of Bart Tiernan.	24
4		Motion for Limited Appearance (Pltf).	25
4		Request to Produce. (Pltf).	26
8		Memo in Opposition to Motion to Dismiss by Deft's . (Pltf).	27
10		ORDER Motion for limited appearance is GRANTED. 9/10/80 JWK. (REBOUL, MACMURRAY, HWEITT, MAYNARD & KRISTOL and WAYNE CROSS.)	28
12		Memo of law in opposition to motion to quash or in the alternative, motion for protective order. (Pltf.)	29
12		Request for production. (pltf.)	30
15		Interrogatories (Pltf).	31
OCT 2		Interrogatories to Deft. (Pltf).	32
NOV 13		Supplemental to Memo of law in support of MOtion to Dismiss. (Defts).	33
26		ORDER: DENYING Pltf's motion to quash, GRANTING Pltf's motion for a protective order. Pltf Trustee's deposition shall be taken in New York state. (11/26/80 JWK).	34
DEC 2		Reply to Defts Supplemental Memo. (Pltf).	35
4		ORDER Motion to Dismiss IS DENIED. JWK. 12/4/80.	36
12		ANSWER AND AFFIRMATIVE DEFENSES. (D Shapiro and A Freeman).	37

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rev. 2-75)

80-1662 CIV JWK

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO
TIERNAN, BART T.	ROMANO, THOMAS et all	PAGE ___ OF ___ PAGES

DATE	NR	PROCEEDINGS	
1981			
FEB 4	38	MOTION to Compel Documents. (Pltf). NR30).	JT
5	39	MOTION to Compel Production, by Pltf Tiernan.	rw
11	40	ORDER JWK, Denying Motion to compel. (EOD 2/13/81 CCAP).	JT
26	41	MOTION for enlargement of time to file answer by Deft.	JT
23	42	ORDER JWK Setting Cause for trial the week of May 4, 1981 PT Prep by April 27. Cal Call April 30 at 1 pm. (EOD 3/2/81 CCAP).	JT
26	43	RESPONSE to Defts Motion for enlargement of time to file answer by Pltf.	JT
26	44	MOTION and Memo to re set cause for trial by Pltf.	JT
27	85	SUPPLEMENTAL Memo by Deft Romano.	JT
MAR 4	96	NOTICE of Appearance of Peter Pickle Flynn Niemoeller, etc as additional counsel for David Shapiro and Co and Alan Freeman in this case.	JT
4	97	RESPONSE to Pltfs Motion to reset cause for Trial by Defts.	JT
3	98	NOTICE to Produce to Pltf by Deft.	JT
3	99	NOTICE of taking Depo of Bart Tiernan by Deft at 10 am (No Date given).	JT
3	50	FIRST Interrogs to Pltf. by Deft.	JT
10	51	ORDER (JWK) granting ext. to 3/11/81 for defts to file answer. (EOD-3/10/81-CCAP).	rw
9	52	RENEWED MOTION to compel production with memo, by pltf.	rw
9	53	MOTION to add ins. companies as party defts, with memo, by pltf.	rw
9	54	AFFIDAVIT of David W. Bianchi re conference with counsel.	rw
10	55	ORDER JWK Denying Motion to Re Set Cause for Trial. (EOD 3/12/81 CCAP).	JT
12	56	ANSWER by Defts Frank and Thomas Romano.	JT
6	57	REQUEST FOR Admissions by Deft.	JT
6	58	NOTICE of taking Depo at 10 am Tues April 7 of Bart Tiernan by David Shapiro.	JT
17	59	MEMO of law in opposition to Pltfs renewed Motion to compel Prod of Doc. by Pltf.	jt
24	60	MEMO of law in reply to that filed by Defts. by Pltf.	jt
27	61	NOTICE of taking Depo of Martin J. Rabinowitz on Tues April 7 at 3 pm. (Defts. Freeman and Shapito).	jt
21	62	MOTION for Summ Judgment by Deft.	jt
21	63	MEMO of law in supp of motion for summ judgment by Defts.	jt
APR 6	64	MOTION for an Enlargement of time within which to respond to Defts Request for admissions by Pltf.	jt
6	65	MOTION for an enlargement of time in which to respond to Defts Mot for summary judgment by Pltf.	jt
8	66	MOTION for Summ Judgment by Defts. ,	jt
9	67	NOTICE of taking Depo Duces Tecum of David Shapiro on Mon April 20 at 1 pm. Alan Freeman on Mon April 20 at 2 pm. by Pltf.	jt
9	68	Notice of taking Depo Duces Tecum of Thomas Romano on Mon April 20 at 10 am. Frank Romano on Mon April 20 at 11 am. by Pltf.	jt
10	69	ANSWER by Defts 4300 Rock Island and The Sea Inn of Hallandale.	jt
8	70	ORDER (JWK) Denying Motion to compel. (EOD 4/14/81 CCAP).	jt
10	71	RESPONSE to Motion for Default against Defts 4300 Rock Island and Sea Inn. by Defts.	jt

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ___ OF ___ PAGES

DATE	NR	PROCEEDINGS
APR 14	72	Letter to Mr. Bianchi re ext of time by Atty Simon.
14	73	CERTIFICATE of Counsel of Richard Lapidus by Deft.
13	74	MOTION to compel answers to interrogs by Deft.
13	75	MEMO of law in supp of motion to compel by Deft.
14	76	MEMO of law in opposition to Pltfs motion for enlargement of time in which to respond to Defts Motion for summary Judgment. By Deft.
13	77	MOTION for enlargement of rime in which to respond to the Motion for Summary Judgment filed by Defts. By Pltf.
13	78	NOTICE of filing by Pltf.
15	79	NOTICE of taking Dep Duces Tecum of Thomas Romano on Mon April 27 at 10 am Frank Romano on Mon April 27 at 11 am. by Pltf.
15	80	NOTICE of filing Copy of letter sent by Alan Freeman to Mr. Heitmeyer by Pltf.
15	81	DEMAND For Jury Trial by Pltf.
15	82	NOTICE that Action is at issue by Pltf.
15	83	MEMO of law in reply to the Memo filed by the Defts David Shapiro I Co and Alan Freeman on April 13 opposing Pltf's Motion for an enlargement of time in which to respond to the Defts Pending Motion for Summ Judgment. by Defts.
15	84	MOTION to Vacate Order of April 8 and for reconsideration of Pltfs Motion to compel Prod by Pltf.
17	85	ORDER JWK Granting Motion for enalrgement of time Pltf shall have 15 days from the date of this Order in which to respond. (EOD 4/21/81 CCAP).
21	86	MEMO in Opp to Pltf's Mot to Vacate order, by pltfs.
27	87	UNILATERAL P/T Stip, by defts David Shapiro & Co. and Alan Freeman.
27	88	REPLY to defts' Memo filed in opp to pltf's Mot to Vacate orders of 4/8/81, by Pltf.
29	89	MOTION for continuance of trial, by pltf.(Aff of Bart T. Tiernan att.)
29	90	MOTION for continuance of filing pre-trial stip., by pltf.
30	91	ORDER (JWK) granting ext of 30 days for pltf to respond to M/SJ. (EOD-5/1/81-CCAP).
" 30	92	MOTION for partial S.J and Memo, by pltf.
May 5	93	DEPOSITION taken of David Shapiro on 4/20/81 at 1:20.
5	94	DEPOSITION taken of Alan Freeman on 4/20/81 at 2:23.
Apr. 30	95	UNILATERAL p/t stip, by defts Romano.
May 6	96	MOTION for ext of time to resp to mot for partial S/J, by defts Thomas and Frank Romano.
8	97	NOTICE of filing aff of Wm. D. Greene, by pltf.
8	98	AFFIDAVIT of W m. D. Greene re opp to mot for S/J.
11	99	MEMO in opp to M/SJ, by pltf.
11	100	STATEMENT in opp to M/SJ, by pltf.

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(Rev. 2/75)

CIVIL DOCKET CONTINUATION SHEET

80-1662-CIV-JWK

PLAINTIFF	DEFENDANT	DOCKET NO. _____
BART T. TIERNANA III	THOMAS ROMANO, FRANK ROMANO DAVID SHAPIRO & COMPANY	PAGE ___ OF ___ PAGES

DATE	NR	PROCEEDINGS	
1981			
May 13	101	ORDER (JWK) denying mot for cont of filing p/t stip and mot for continuance of trial. (EOD-5/15/81-CCAP).	cs
18	102	DEPOSITIONS of Thomas Romand and Frank Romano, taken on 4/27/81.	cs
18	103	STATEMENT pursuant to opp to the mot for summ judgment filed by the defts, David Shapiro and Company, and Alan Freeman, by pltfs.	cs
18	104	MEMO in opp to mot for S/J filed by defts, Freeman and Shapiro, by pltfs.	cs
* 15	105	FINAL memo in supp of mot for S/J.	cs
19	106	MOTION for ext of time for a period of 21 days is granted.	cs
22	107	MEMO in resp to pltf's memo in opp to mot for S/J, by defts.	cs
June 1	108	MOTION for continuance, by ptfs.	cs
5	109	ORDER (JWK) granting voluntary dismissal, without prejudice, (EOD-6/11/81-M-CCAP).	
19	110	COMPLAINT.	cs
19	111	SUMMONS issued as to The Sea Inn of Hallandale, Inc.	cs
19	112	SUMMONS issued as to Thomas Romano.	cs
19	113	SUMMONS issued as to David Shapiro and Company, P.A.	cs
19	114	SUMMONS issued as to Frank Romano.	cs
19	115	SUMMONS issued as to Alan Freeman.	cs
19	116	SUMMONS issued as to 4300 Rock Island Road Corp.	cs
30	117	RETURN of summ issued as to 4300 Rock Island Road Corp., by serving Bart L. Cohen on 6/24/81.	cs
Jul 8	118	MOTION to tax costs, by deft.	cs
8	119	AFFIDAVIT of costs in the sum of $1,180.14.	cs
8	120	MEMO in supp of mot to tax costs, by defts.	cs
15	121	RETURN of summons exec on 7/6/81, as to David Shapiro and Co., P.A., by serving Alan Freeman, auth to accept.	cs
15	122	RETURN of summons exec on 7/6/81, as to Alan Freeman.	cs
15	123	ANSWER and affirmative defenses, by Shapiro Fleischman & Co., and Alan Freeman.	cs
15	124	FIRST interrogatories to the pltfs.,	cs
15	125	COPY of letter from Arthur M. Simon, Esq., to Joseph Mathews, Esq., re: agreement of no responsive pleading needed filed on behalf of 4300 Rock Island Road Corporation, or on behalf The Sea Inn of Hallendale, Inc. or Thomas and Frank Romano.	cs
15	126	MOTION to tax costs, by defts.	cs
15	127	AFFIDAVIT of costs in the sum of $145.00, bydeft.	cs
15	128	MEMO in supp of mot to tax costs, by defts.	cs

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(Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ___ OF ___ PAG

DATE	NR.	PROCEEDINGS
1981		
Jul 16	129	MOTION to strike motions to tax costs filed by defts and memo, by pltfs.
17	130	MEMO in opp to mot to tax costs filed by defts David Shapiro & Co., and Alan Freeman, by pltf.
23	131	REPLY to affirmative defenses, by pltf.
23	132	DEMAND for trial by jury, by pltf.
24	133	MEMO in opp to mot to strike motions to tax costs, by deft.
Aug. 12	134	RESPONSES to first interrogs to pltf, by pltf.
14	135	MOTION for Summary Judgment, by defts Shapiro Fleischman &Co. and Alan Freeman.
14	136	MEMO in supp of above motion.
14	137	STATEMENT of material facts as to which there is no issue to be tried, by Defts Fleischman & Co. and Alan Freeman.
24	138	MOTION for ext of time to respond to mot for summary judgment of defts, by pltf.
26	139	MOTION to dismiss and memo, by defts.
31	140	RESPONSE to mot to DISMISS of Shapiro Fleischman & Co. and Alan Freeman, by pltf Bart T Tiernan,III.
31	141	ORDER (JWK) granting mot for ext of time up to and including 9/15/81. (EOD-9/1/81-CCAP)
SEP 2	142	RETURN of summons exe 8/13/81 as to Frank Roamano thru Thomas Romano (brother).
2	143	RETURN of summons exe 8/13/81 as to Thomas Romano thru T. Romano.
2	144	RETURN of summons exe 8/13/81 as to The Sea Inn Of Hallandale Inc., Thomas Romano as registered agent thru T. Romano.
8	145	ANSWER to complt, by defts Thomas Romano, Frank Romano, 4300 Rock Island Road Corp and The Sea Inn Of Hallandale,Inc.
11	146	STATEMENT of material facts to which there exibits A genuine issue to be tried, 10 (j) (2), by pltf.
21	147	REPLY to pltf's memo in opp to M/SJ, by defts Shapiro Fleischman Co. and Alan Freeman.
18	148	ORDER (JWK) denying motion of defts Shapiro Fleischman Co. and of Alan Freeman to dismiss. (EOD-9/25/81-CCAP).
28	149	ORDER (JWK): Cause is set for trial commencing wk of 11/30/81. All pre-trial preparations shall be completed by 11/23/81. Matters relaitng to scheduled trial date may be brought to attention of ct at cal call on 11/24/81 at 1:00. (EOD-10/1/81-CCAP)
Nov. 18	150	UNILATERAL P/T Stipulation, by defts Shapiro Fleischman & Co. and Alan Freeman.
26	151	ORDER (JWK) dismissing the above-styled case w/o prejudice to the parties' rights to reopen the case w/in 30 days in event settlement is not consummated. (EEOD 11/26/81-CCAP).
1982		
JAN 14	152	ORDER (JWK): Cause is dismissed in accordance with provisions of joint stipulation dismissing action. (EOD-1/19/82-CCAP-M)

JSL 11-26-81 RW

REPORT ON SENTENCED OFFENDER
BY UNITED STATES DISTRICT JUDGE

To Be Completed by the Probation Officer:

Name Frank Romano **FBI No.:** _____ **DOB:** 9/23/20

District: Southern of Florida **Offense:** _____ **Sentence:** _____

To Be Completed by the Sentencing Judge:

SENTENCING OBJECTIVES. Court's intent or purpose for sentence imposed.

Punishment.

DEFENDANT EXHIBIT 57

COMMENTS ON TREATMENT NEEDS. In the court's opinion what treatment or training should the Probation Office or the Bureau of Prisons provide? (e.g., vocational, educational, medical, alcoholic, narcotic.)

RECOMMENDED INSTITUTION. Type of institution by classification (e.g., penitentiary, youth center, etc.), or by name (e.g., Leavenworth, Morgantown, etc.).

minimum security: Eglin or medical facility

COMMENTS AND RECOMMENDATIONS RELATIVE TO PAROLE. Give comments regarding the appropriateness of parole in view of the present offense, prior criminal background and any mitigating or aggravating circumstances.

No objection to early release on parole.

NO COMMENT ☐ *This form will be disclosed to the offender and the Parole Commission in connection with parole consideration, unless the court directs otherwise. (See 18 U.S.C. 4208)*

Original: *U.S. Probation Office*
Sentencing Judge
c.c.: *2 copies to Bureau of Prisons institution designated for confinement*

Signed Alcee L. Hastings
Typed Alcee L. Hastings *Date* 7/8/81

RESPONDENT'S EXHIBIT #110

PROb 2
(Rev. 7/78)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

G.S.Thompson:hcb

PRESENTENCE REPORT
Miami, Florida

NAME (Last, First, Middle)				DATE
ROMANO, Frank				May 5, 1981
ADDRESS		LEGAL ADDRESS		DOCKET NO.
136 Golden Isles Drive Hallandale, Florida		Same		78-364-Cr-ALH
				RACE Caucasian
				CITIZENSHIP United States
AGE	DATE OF BIRTH	PLACE OF BIRTH	SEX	EDUCATION
60	9/23/20	New Haven, Connecticut	Male	
MARITAL STATUS		DEPENDENTS		
Married		One (wife)		
SOC. SEC. NO.		FBI NO.		OTHER IDENTIFYING NO.
052-14-3960		Unavailable		----------

OFFENCE

SEE ATTACHED SHEET

PENALTY

SEE ATTACHED SHEET

CUSTODIAL STATUS	DATE OF ARREST
Posted a $25,000 Personal Surety Bond on 11/29/78	11/29/78

PLEA
11/29/78: pled not guilty.

VERDICT
12/24/80: Jury verdict of guilty to counts 1-15, 17, 19 & 21

DETAINERS OR CHARGES PENDING

None

OTHER DEFENDANTS
Thomas Romano: Jury verdict of guilty on 12/24/80. PSI ordered.
(Alcee Hastings 7-8-81 - Ct. 1: 3 yrs. impr. Cts. 2-15, 17&19: 3 yrs. impr. ea. ct. concur. & concur.w/Ct. 1 Ct. 20: Impos. of sent. of confine. withheld 3 yrs. prob. w/supv. to begin upon expir. of sent. in Ct. 1. Vol. Surr. Pursuant to 18:4205(b)(2).)

ASSISTANT U.S. ATTORNEY	DEFENSE COUNSEL
James Diechert Special Attorney Department of Justice	Neil Sonnett (Retained) 200 S.E. First Street Miami, Florida

DISPOSITION Ct. 1: 3 yrs. impr., Cts. 2-15, 17&19: 3 yrs. impr., ea. ct. conc. & conc. w/Ct. 1. Ct. 21: Imposition of sentence of confinement withheld 3 yrs. prob. w/supv., prob. to begin upon expiration of sentence in Ct. 1. Vol. surrender. Pursuant to 18:4205(b)(2).

SENTENCING JUDGE	DATE
Alcee L. Hastings, Miami, FL	July 8, 1981

COPY 1

UNITED STATES GOVERNMENT

memorandum

DATE: May 6, 1981

REPLY TO ATTN OF: George S. Thompson
U.S. Probation Officer, Miami, Florida

SUBJECT: ROMANO, Frank; ROMANO, Thomas
Docket No. 78-364-Cr-ALH

TO: Honorable Alcee L. Hastings, Judge
U.S. District Court, Miami, Florida

SUPPLEMENT TO THE PRESENTENCE INVESTIGATION

During the preparation of the presentence investigation, information regarding the extent of the defendants' tax liability was inadvertently left out.

According to Special Agent James White of the Internal Revenue Service, their service reports that taxes and penalties owed by the defendants are as follows:

Thomas Romano:	1974	$278,900
	1975	$ 65,738
Total		$344,638
Frank Romano:	1974	$264,420
	1975	$ 56,187
Total		$320,607

According to Special Agent White, the amounts reported in the presentence investigation as to each defendant concerning receipt of a refund in 1975 also represents monies that the Internal Revenue Service expects to be returned.

Respectfully submitted,

George S. Thompson

GST:hcb

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114
U. S. GPO: 1980—211-132/6526

	OFFENSE
Counts One and Six:	Participating in an enterprise through a pattern of racketeering activity 18 U.S.C. 1962(c) & 1963
Counts Two, Three, Five and Twelve:	Mail fraud 18 U.S.C. 1341
Counts Four, Seven, Eight, Nine, Ten and Thirteen:	Wire Fraud 18 U.S.C. 1343
Counts Eleven and Fourteen:	Embezzlement of employee pension benefit plan 18 U.S.C. 664
Count Fifteen:	Using & investing racketeering income in an enterprise 18 U.S.C. 1962(a) & 1963
Counts Eighteen, Nineteen and Twenty-One:	Income Tax violation 26 U.S.C. 7206(1)

PENALTIES

Counts One and Six:	M/S $25,000 - 20 years, or both, as to each count.
Counts Two, Three, Five and Twelve:	M/S $1,000 - 5 years, or both, as to each count.
Counts Four, Seven, Eight, Nine, Ten and Thirteen:	M/S $1,000 - 5 years, or both, as to each count.
Counts Eleven and Fourteen:	M/S $10,000 - 5 years, or both, as to each count.
Count Fifteen:	M/S $25,000 - 20 years, or both.
Counts Eighteen, Nineteen and Twenty-One:	M/S $5,000 - 3 years, or both, as to each count.

OFFENSE:

Prosecution Version. Records obtained through the U.S. Department of Labor and Internal Revenue Service reflect that the defendants, Thomas Romano and Frank Romano, devised and carried out a fraudulent scheme in regards to the development and construction of the Executive House of Inverrary in Lauderhill, Florida between 1974 and 1975. Charges against the defendants include conducting an enterprise through a pattem of racketeering activity, investing racketeering income in an enterprise, theft and embezzlement from an employee benefit plan, wire fraud, mail fraud and income tax evasion. The government contends that the defendants collectively profited through the reported criminal acts in a total amount in excess of $1,000,000.

Investigation of this offense stemmed from a larger scale investigation by the Federal Bureau of Investigation which was being conducted following the disappearance of former labor official Jimmy Hoffa. Part of the investigation involved the Bergen and Passaic County Welfare and Pension Fund in New Jersey. As the FBI felt that they had found a possible mail fraud in regards to the fund and its dealings with the defendants, the U.S. Postal Inspectors and Department of Labor became involved in the case. Subsequently, the Internal Revenue Service also became involved in the case as tax violations also appeared to exist. Overall investigation by the various federal agencies revealed the following:

On November 1, 1972, the defendants, Thomas and Frank Romano entered into a partnership agreement with an individual named Martin Kane. The defendants put in $40,000, as did Kane. As part of the agreement, all subsequent monies except those procured as a result of construction or permanent financing were to be provided by Kane and the initial capital was to be repaid. The defendants were to receive $500 per unit built at a rate of $1,000 per week. The partnership had been set up to build condominium projects in Inverrary, Florida. Shortly thereafter, on November 9, 1972, the three individuals incorporated K.R.R., Inc. as the corporate entity to be used for the construction of the Greens of Inverrary. Additionally, the two other phases were to be

developed at a later date. K.R.R. did purchase land from Haft-Gaines, Inc. in order to begin building phases one and two. Additionally, in early 1973, K.R.R., Inc. borrowed approximately 5.2 million dollars from Republic Mortgage Investors in Miami, Florida for phase one development. Additionally, two loans valued at approximately 2.4 million dollars were borrowed from Republic Mortgage for phase two.

On June 14, 1973, K.R.R., Inc. contracted with Haft-Gaines, Inc. to purchase an additional 10.61 acres of land which was to be used for phases three and four of the project. The price for the land was $901,000 and a deposit of $45,050 was paid. Terms for the remaining payments involved additional monies to be paid at closing, a $50,000 payment due one year from closing, and the remaining balance to be made in six equal annual payments. At the closing on September 18, 1973, a promissory note was executed for $790,000 by K.R.R., Inc. in favor of Haft-Gaines, Inc.

On December 21, 1973, K.R.R., Inc. sold all of their stock to I.O.T.A. Industries, Inc., a New York public corporation, for $10,950,000. As terms of the sale, $1,050,000 was paid in cash to the principals of K.R.R., Inc. Both Thomas and Frank Romano each received in excess of $250,000 in cash as their portion of the sale. The remaining monies were provided in the form of notes, with each defendant receiving 2.4 million in notes which were to be paid off from the profit expected from the completion of the Greens of Inverrary. At the time of the sale, K.R.R., Inc. had completed phase one of the project and was in the process of building phase two. I.O.T.A. had been experiencing tremendous losses at the time and the purchase of the stock in K.R.R. appeared to be a good buy as they expected several million dollars in profit from the completion of the Greens of Inverrary project. At this time, I.O.T.A. took over complete control of K.R.R. but did retain the Romanos and Kane in their previous positions with the company, only now as salaried employees.

Due to the energy crisis which developed during the latter part of 1973, funding became tight and additional monies were necessary in order to complete phase two of the Greens of Inverrary. At this point, Martin Kane had borrowed approximately $3,000,000, using phase one, which had been completed, as collateral. The government contends that both of the Romano brothers were aware of this situation. According to the government, Kane wished to complete phase two since the notes provided by I.O.T.A. as partial payment for sale of

the stock in K.R.R., Inc. would be worthless unless a profit were generated from the Greens of Inverrary project. In order to generate additional monies, K.R.R., Inc. offered the recreation leases of phases one and two for sale. This resulted in an agreement being signed by Thomas, Frank and Mario Romano on July 25, 1974 to the effect that they would divide any finder's fee obtained as a result of any financial transaction which might occur with the Bergen and Passaic County Welfare and Pension Fund. Subsequently, on August 13, 1974, Thomas Romano offered the fund the two recreation leases for a price of $1,147,000. He met with the trustees of the fund on August 19, 1974 to discuss the sale of the leases and one week later, August 26, 1974, the trustees agreed to proceed with the purchase of the recreation leases. The closing on these leases occurred on October 10, 1974 with each of the defendants receiving $125,000 as their share of a $300,000 finder's fee. Much of the remaining money was used for payment to Republic Mortgage with a $50,000 payment being made to Haft-Gaines for the land.

In August of 1974, Thomas Romano also requested a 4.7 million dollar construction loan from the pension fund for construction of the Executive House of Inverrary. According to the government, Martin Kane and I.O.T.A. were unaware of the defendant's attempts to secure construction financing for the Executive House. It was noted that the defendant had previously attempted to obtain financing for the project through Republic Mortgage Investors, but was turned down when the defendants would not agree with the demand by Republic Mortgage that 50% of the office space be rented prior to construction. On September 23, 1974, the fund voted in favor of executing the 4.7 million dollar loan. The fund authorized their local counsel in Coral Gables, Florida to prepare a loan commitment letter notifying the Romanos that the fund had agreed to lend the money to the Romanos and/or a corporation that they controlled. Defendant Thomas Romano agreed to the terms of the loan commitment letter on October 10, 1974. The letter included a schedule of itemized expenses totalling $728,785 which the Romanos represented as their "out of pocket expenses" incurred in the pre-development stages of the Executive House of Inverrary. The government contends that these expenses were actually incurred by K.R.R., and not the defendants, noting that K.R.R. was a wholely owned subsidiary of I.O.T.A.

On November 4, 1974, the government contends that the defendants caused K.R.R. accountant, Alan Freeman, to supply I.O.T.A. with an unaudited financial statement of K.R.R. for the nine months ending September 30, 1974. In their statement, I.O.T.A. was notified that the Executive House phase would not come to fruition and that the value of the land and all costs incurred for phase three had been reduced to allow for possible abandonment in the future. The government felt the letter to I.O.T.A. was designed to deceive I.O.T.A. into thinking that no financing was available for the Executive House project, when in fact, financing had been secured by the Romanos from the fund. It was further noted that a $50,000 payment due Haft-Gaines was delinquent and an additional $110,000 payment was coming due in January, 1975. Based on this set of circumstances, defendant Thomas Romano agreed to take the Executive House land in his own name and to assume all outstanding mortgage obligations. Martin Kane and I.O.T.A., whom the government claims were both unaware of the loan commitment with the fund, agreed to release the land to Thomas Romano.

On November 18, 1974, the defendants incorporated 4300 Rock Island Road, Inc. to build the Executive House. On November 29, 1974, they formed a limited partnership called Romano Brothers Limited in which defendants Frank and Thomas Romano held a 50% interest, Tony Roma a 40% interest, and the pension fund a 10% interest. It was agreed that Romano Brothers Limited would own the 4300 Rock Island Road Corporation. Additionally, as the defendants had represented that they had previously expended approximately $728,000 expenses in the project, the fund did contribute $72,000 which represented their 10% interest in the partnership.

On November 26, 1974, a notice of commencement was signed by the defendants, Thomas and Frank Romano, as president and secretary-treasurer of 4300 Rock Island Road Corporation and the pension fund to build the Executive House of Inverrary. The following day, the defendants signed a construction loan agreement in the amount of approximately 4.6 million dollars. An affidavit was also signed in which the defendants promised to use the monies received from the pension fund loan solely for the construction of the Executive House. On November 30, 1974, defendant Thomas Romano, as president of K.R.R., Inc., conveyed the Executive House real property to "Thomas Romano as trustee", subject to monies owed Haft-Gaines. The 10.61 acre tract was divided in two separate parcels by defendant Thomas Romano. A 4.966 acre plot was conveyed by Thomas Romano to the 4300 Rock Island Road Corporation while the remaining 4.61 acres remained titled to "Thomas Romano as trustee".

On December 17, 1974, the construction loan was closed by the fund's local counsel, David Allan. As part of the loan agreement, monthly financing requisitions would be made by the borrowers by way of release of liens in specific amounts from subcontractors. Monies would then be dispersed by the fund.

At the time of closing, an initial construction draw was received by the defendants in the amount of $800,000. Out of that draw, $558,479.20 was transferred to the 4300 Rock Island Road Corporation bank account and shown on their books as a credit to the loan account of the defendants. Shortly thereafter, two checks, one for $500,000 and one for $40,000 were drawn on the account and deposited in the defendants' joint personal checking account at the Bank of Hallandale and Trust Company in Hallandale, Florida. On December 20, 1974, $400,000 was withdrawn from the account to purchase 4-30 day certificates of deposit in the defendants' names. Additionally, it was determined by the government that the $72,800 amount advanced by the fund as their 10% interest in the partnership had also been deposited in the defendants' joint personal checking account.

For the next several months, monthly construction draws were made by the fund to the 4300 Rock Island Road Corporation for the Executive House construction. On April 30, 1975, the books of the 4300 Rock Island Road Corporation were closed and journal entries transferred to the books of Romano Brothers Limited. Between May and August of 1975, the defendants inflated the amount of construction costs by adding nonexistent subcontractors and suppliers to the construction draws. During this period of time, checks were made payable to the nonexistent subcontractors and endorsements on the checks forged by either Thomas or Frank Romano and presented to their bank for cash. Between May and August 19, 1975, checks totalling approximately $465,000 were drawn on the bank account of Romano Brothers Limited. When checks were cashed by the defendants, the money was normally provided in $100 bills and immediately deposited at the Bank of Hallandale.

It was reported that in June of 1975, a review of the books of Romano Brothers Limited reflected an entry of $558,479.20 as "due to Thomas Romano account". A correcting journal entry indicated that Thomas Romano had borrowed the money from the partnership. No accompanying documentation, such as a promissory note, appeared to have been executed in favor of Romano Brothers Limited.

In June of 1975, Thomas Romano requested an additional 1.8 million dollars in financing from the fund in order to convert the Executive House into a rental project and to purchase the additional 4.61 acres of land to build tennis courts. The additional loan was approved on June 20, 1975. On October 10, 1975, the financing was closed by the funds local counsel and a total disbursement of 1.8 million dollars was made to Romano Brothers Limited. From that disbursement, Haft-Gaines received $695,091 as final payment on their mortgage held on the original 10.61 acres of land. Additionally, eight checks payable to nonexistent contractors totalling $75,000 were cashed between October 22 and October 30, 1975.

In March of 1976, a copy of Romano Brothers Limited partnership return for the period ending November 30, 1975 was received by the fund. At this point, the fund's accountants questioned a total of $1,072,800.20 which had been listed as "loans to partners". The following month, April, 1976, one of the fund's accountants traveled to South Florida to question the defendants regarding this entry. Both defendants reportedly responded that these were not loans and they would not be repaid. They reportedly told the accountant that the money was to repay themselves for their original outlay of $728,000 plus the increase in the market value over the cost of the 4.61 acres of land which Romano Brothers Limited had purchased from the defendants on October 2, 1975.

According to government records, part of the proceeds received by the defendants were utilized for the purchase of a restaurant in Hallandale, Florida. Records reflect that on April 8, 1975, defendant Thomas Romano purchased a parcel of land located at 906 East Hallandale Beach Boulevard, Hallandale, Florida. In May of 1976, the defendants incorporated the Sea Inn of Hallandale, Inc. On May 5, 1976, Thomas and Frank Romano redeemed two $100,000 certificates of deposit and purchased two $100,000 certified bank checks which they deposited into the checking account of the Sea Inn of Hallandale, Inc. The money was subsequently used by the defendants to purchase the existing structure at 906 East Hallandale Beach Boulevard which was remodeled and developed into a restaurant known as the Sea Inn of Hallandale. The restaurant has since been sold by the defendants.

U.S. Grand Juries in New Jersey and south Florida began investigating the overall loan transaction in early 1976. The investigation resulted in a 21 count indictment being returned against the defendants, Thomas and Frank Romano, on November 28, 1978. The government charged that the defendants fraudulently obtained in excess of $1,000,000 from the pension fund and utilized a portion of these funds to purchase what became known as the Sea Inn of Hallandale Restaurant. Additionally, the government charged that the defendants failed to pay income taxes on the monies. Both defendants appeared before U.S. Magistrate Peter Palermo on November 29, 1978 and entered pleas of not guilty to the charges. Each posted a $25,000 Personal Surety Bond. On December 24, 1979 following a three week jury trial, the defendants were both convicted of all charges contained in the indictment. Each defendant was required to execute a $100,000 appearance bond with the court to remain at liberty pending sentencing. Both defendants remain at liberty pending the completion of the presentence investigation.

Payments on the total 6.4 million dollar loan from the pension fund were to begin in January of 1976. The Executive House project was completed and in 1977, the fund filed to foreclose on the mortgage and take over the property. In August of 1977, the defendants deeded the property to the pension fund in lieu of foreclosure.

Defendant's Version of the Offense. Both defendants, Frank and Thomas Romano, agree that their statement regarding the facts of this case would be the same and the following statement therefore applies to both defendants. The defendants are quick to point out that they do not contest much of the documentation provided at the trial, noting that a majority of the government exhibits were stipulated to by the defendants. However, it is their contention that the government prosecution neglected to bring out certain facts which they feel would have completely exonerated them. They deny any criminal actions in regards to their dealings with the Bergen and Passaic County Pension Fund.

According to the defendants, they had just completed the Andover Apartment project in Broward County, Florida in 1972 when they decided to become involved with a builder by the name of Martin Kane in south Florida. The defendants knew Jack Gaines of Haft-Gaines, Inc. and struck a deal with him for the purchase of land. Additionally, the defendants

put up $40,000 in a partnership agreement with Martin Kane and agreed to handle the actual construction of a proposed four phase project. Kane was to also put up $40,000 and would be responsible for putting up all "front money" from that point on, to include securing construction loans. The defendants initially purchased in excess of ten acres of land and were able to secure construction money from Republic Mortgage Investors. Both defendants indicated that initial sales were excellent and phase one of the project known as the Greens of Inverrary had been sold out even before the models were finished. Additionally, phase two models began selling quite well. According to the defendants, Kane insisted they purchase land for phase two at $80,000 per acre and also insisted they purchase land for phase three (which would be the Executive House) for approximately $100,000 per acre.

According to the defendants, Kane conceived the idea of becoming involved with I.O.T.A. Industries, Inc. He reportedly suggested to the defendants that they get a company with extensive tax losses to buy their stock so they could receive a capital gain. Defendant Thomas Romano reported he was not particularly happy with the deal but decided to go along with it. At the closing, Thomas Romano had Kane provide him with a letter which stated that regardless of the I.O.T.A. deal, their partnership would continue and Kane would still be responsible for securing front money for the project. Subsequently, the stock in K.R.R., Inc., the corporation formed by the defendants and Kane for construction of the project, was sold to I.O.T.A.

The defendants reported that as part of the transaction, Kane borrowed approximately $1,000,000 from Mas West for I.O.T.A. on a three month note. The money was used for a cash payment to the principals of K.R.R. as part of the stock purchase. The defendants indicated they were concerned because I.O.T.A. at the time was financially unstable and it was necessary for Kane to guarantee the loan. The defendants reported they also agreed to guarantee it as they had owned 50% of the stock as well.

At this juncture, the defendants claimed that Republic Mortgage had provided them with a commitment to give the Executive House project a 4.2 million dollar loan. At this point and time, phases one and two began experiencing liens against them and Kane was having difficulty securing front money. The defendants

reported that they had also been doing business with First National Bank of Hialeah and at one point needed $300,000 to bond existing liens for letter of credit. Although they indicated it was Kane's responsibility to cover the money, they agreed to pledge certificates of deposit as Kane was unable to secure the money. The certificates of deposit were subsequently seized by the bank for nonpayment of the debt and the defendants subsequently sued Kane for return of the money, eventually winning a judgment by settling for $112,000.

The defendants reported that money continued to be tight and the only assets they had at the time were the two recreation leases from phases one and two of the Greens of Inverrary. They did report that Republic Mortgage agreed to an additional $200,000 which was not nearly enough to solve their financial troubles with the project. At this point, they all agreed to sell the recreation leases. The defendants indicated they advertised in a New York publication and received a call from Sal Briguglio, a business agent and trustee for Teamsters Local 560 in New Jersey. He invited the defendants up to explain the recreation lease proposition to the board of trustees. The defendants reported they did go to New Jersey and during their discussions, they suggested and discussed the possibility of a construction loan. Upon their return to south Florida, the defendants told Republic Mortgage they had a potential buyer at which time Republic Mortgage did provide an additional $200,000.

The defendants reported that as part of the agreement, all money secured from any loan from the pension fund would go into the construction project following payment of expenses. Additionally, the defendants claimed that all documentation between themselves and the fund was completed as "K.R.R.,Inc., Thomas Romano, president".

The defendants reported that at this time, K.R.R. owned property on which Haft-Gaines, Inc. was preparing to foreclose. If Haft-Gaines foreclosed on phase three, the Executive House of Inverrary, they would automatically close on phases one and two. Additionally, Mas West was a third mortgager and the defendants report that their collateral would have been wiped out if Haft-Gaines had foreclosed. The defendants indicated that all negotiations with the fund at this time were done with the complete understanding of Martin Kane. Contrary to the government's contention that Kane was unaware of the defendants' negotiations for a construction loan, the defendants cited discrepancies in Grand Jury testimony on the part of Kane in regards to his actual knowledge of their intentions for the money. They noted that at a deposition

Kane claimed the balance of the Republic Mortgage was approximately $3,000,000. They noted that if they had been negotiating to secure approximately 4.7 million dollars in funds to replace the existing mortgage on phases one and two, the balance of the money would have in no way provided them with any "working capital" to continue with the project. The defendants therefore contend that Martin Kane was well aware of their intentions to secure financing as well as the purpose for said financing.

The defendants continually emphasize that it was Martin Kane's responsibility in the partnership agreement to provide "front money". They did report that as a condition of the sale of their stock to I.O.T.A., they were each owed 2.4 million dollars to be paid by 47% of K.R.R.'s profit. They indicated that although they were not stockholders at this time, they did remain salaried employees. At this point, Kane was looking for approximately $3,000,000 in "front money". They report that Kane subsequently did utilize approximately $3,000,000 from the K.R.R. construction account. The defendants claimed that the account belonged to all of them and they, therefore, were entitled to half of that money.

According to the defendants, a letter provided to I.O.T.A. indicating that the Executive House project would not come to fruition was actually requested by the president of I.O.T.A. to protect them with the Securities and Exchange Commission. According to the defendants, the president of I.O.T.A. did testify in the trial that it was decided to drop phase three and possibly the whole project, as early as a meeting in August of 1974. At this point, the defendant reports that they did agree to take over the land and to sue the project. They are adamant in the fact that at all negotiations, they were representing K.R.R., Inc., not themselves.

As reported by the government, monies in excess of $1,000,000 were taken by the defendants from the loan proceeds of the pension fund. The defendants vehemently claim that all monies taken by them were with the complete understanding of the fund as being monies owed them for expenses previously incurred in preparing the property for development as well as the increased value of part of the land. They pointed out that any money left over following the completion of a project goes to the devloper, noting that the project was completed and was subsequently turned over to the fund. In fact, the defendants claim that the fund paid them $500 per week plus $1,000 per day in expenses to locate someone to lease the building for the fund.

The defendants claim that this case was a result of the government's feeling that they had some type of information regarding the demise of Jimmy Hoffa. They feel that if anyone was guilty of criminal misconduct in this case, it was Martin Kane. They continue to deny any guilt whatsoever in the case and feel that all monies they received during the development of the project were owed them.

PRIOR RECORD:

None.

PERSONAL AND FAMILY DATA:

Defendant. The defendant, Frank Romano, was born on September 23, 1920 in New Haven, Connecticut, one of three children born to the union between Michael and Giovanna Romano. In 1924, the family moved to Brooklyn, New York where he was raised by his natural parents and reportedly experienced a good upbringing. He attended secondary schooling in Brooklyn, New York, first leaving during his second year of high school in 1935. As the country was involved in a depression at the time, it became necessary for him to secure work to assist in the overall support of the family.

The defendant served a four year apprenticeship with Local 852 of the International Plasters Union and attended night school to study blueprint reading and job safety matters.

Following the outbreak of World War II in 1941, the defendant attempted to enlist in the Armed Forces but was turned down for physical reasons. However, he was subsequently drafted and on September 15, 1942, he entered into the Army Air Corp, the branch of the service in which he had originally tried to enlist. Although he was interested in flying, the flying cadets were filled up and the defendant volunteered as a crewman and was sent to a gunnery school in Texas. In November of 1943, the defendant began flying combat overseas and flew a total of 32 combat missions, the last seven on a volunteer basis. Action seen by the defendant was primarily in Germany and the defendant was injured. He subsequently returned to the United States and was hospitalized at a military insolation in Nashville, Tennessee. He was transferred to the AAF Convalescent Hospital in Ft. Thomas, Kentucky on January 22, 1945 and released the following day on a 15 day convalescent furlough. On February 7, 1945, he was returned to the hospital and subsequently given an honorable discharge from the service on February 24, 1945. He had been diagnosed as experiencing

psychoneurosis, mixed type, sever, cause undetermined, manifested by depression, anxiety, insomnia, nightmares, fatigue and multiple somatic complaints. While in the service, the defendant did receive the Air Medal, Four Oakleaf Clusters, the Distinguished Flying Cross, the European African Middle East Medal and two Bronze Stars. Additionally, the New York State Conspicuous Service Medal was also presented by Governor Dewey. Although the defendant was injured in the line of duty, he did not put in for the Purple Heart.

Prior to going overseas, the defendant had married the former Louima Karnes, this marriage occurring in Kansas City, Missouri in October of 1943. Three children have resulted from this union which does remain intact.

Following his release from the service, the defendant went into the construction business with his brother, Thomas Romano, a codefendant in the instant offense. They first began with the restoration of the Montauk Manor Hotel and subsequently moved into the housing field, completing a number of residential developments in Virginia, New Jersey, Long Island, Maryland and the District of Columbia. They were reportedly one of the first developers to introduce mass housing construction to the industry.

Following the completion of jobs in Long Island, New York, the defendant and his brother relocated to the south Florida area, this occurr ng in 1959. Over the next several years, they were involved with successful projects and continued to expand as apartment builders. During the early 70's the housing industry began to suffer and their business ventures began to decline. After selling a project in 1972, the defendant and his brother began a project known as the Greens of Inverrary. This project and the one that followed, the Executive House of Inverrary, were the subject of the defendant's involvement in the instant offense.

Since his indictment in 1978, the defendant has done little work pending outcome of the case. He does have income from a recreation lease and was most recently involved in assisting in the development of the apartment building in which he currently lives. He remains very close to immediate family members and hopes to relocate out of the south Florida area following disposition of the instant offense.

Parents and Siblings. The defendant's father, Michael Romano, died in November of 1975 at the age of 85. He had been considered one of the leading plastering contractors in the New York area, dating as far back as the late 1920's. The defendant's mother, Giovanna Romano, is 88 years of age and currently resides at 141 N.E. Tenth Avenue, Hallandale, Florida.

The defendant has two siblings. Thomas Romano, age 65, currently resides at 136 Golden Isles Drive, Hallandale, Florida and has been employed as a builder most of his life. Mr. Romano is a codefendant in the instant offense. Mario, age 55, currently resides at 1907 N.W. 90 Lane, Coral Springs, Florida.

Marital. The defendant married Louima Ruth Karnes in October, 1943 in Kansas City, Missouri. Mrs. Romano is 57 years of age and is a housewife. The marriage has remained stable throughout the past 38 years.

The defendant and his wife have three children. Johanna Overstreet, age 36, resides with her husband, Dr. James Overstreet, at 114 Woodland Drive, Boone, North Carolina. She has two children: Annette, age 17 and Victor, age 13. Mrs. Overstreet is employed as a commercial artist. Mary Cornican, age 34, currently resides with her husband, Russell and their two children at 1010 N. 31 Court, Hollywood, Florida. She is a housewife and does teach Sunday School. Michael Romano, age 31, currently resides at 2150 Pierce Street, #17, Hollywood, Florida. He is married and has one child. Michael is currently head chef at the Colonial Inn Motel in North Miami Beach, Florida.

The defendant's wife and his children all maintain an extremely close relationship with the defendant and all family ties are excellent.

Education. The defendant last attended New Utrecht High School in Brooklyn, New York, leaving after completion of the tenth grade in 1935. It was necessary for him to leave school due to the depression. Additionally, he completed a four year apprenticeship with Plasterer's Union 852 in New York and also attended various school programs while in the service, including airplane mechanical school and flexible gunnery school.

Employment. Since his discharge from the Army in 1945, the defendant has been continuously employed in the construction field. For a number of years, he was involved in a number of residential projects with his father, Michael and brother, Thomas in the northeastern United States. After relocating to south Florida in 1959, he and his brother moved into the construction field involving the development of apartment buildings.

Records do reflect that as early as 1960, the defendant held a 14% interest in Taromina Development Incorporation at 2801 N.E. 26 Street, Ft. Lauderdale, Florida. Along with his brother and father, they developed the Taromina Apartments at 1936-44 South Ocean Drive, Hallandale, Florida. The project involved 98 co-op apartments.

Over the next several years, the defendant was involved with his brother in the development of several other units in Broward County, Florida, including the Virginia Street Apartments, Sand Piper Towers, Georgetown Estates, the Presidential Towers and the Talton Manor.

In 1971, the defendant and his brother, Thomas built the Andover Apartments, 4160 N.W. 21 Street, Lauderhill, Florida. The property was subsequently sold by the defendants and William Schulman to Howard Garfinkle, d/b/a Howbar of Florida, Inc. on May 25, 1972. The selling price was $1,694,100 and the transaction involved no cash, noting that the sale was subject to a first mortgage in the amount of $1,394,100 and a $300,000 second mortgage with a New York firm.

It was shortly after this sale that the defendant and his brother entered into a partnership agreement with Martin Kane for the purpose of building the Inverrary project. The defendant was secretary of K.R.R., Inc. which was incorporated on November 9, 1972 for the construction of phase one of the Greens of Inverrary. On December 21, 1973, all of the stock in K.R.R. was sold to a Florida corporation known as I.K.R. which was a wholely owned subsidiary of I.O.T.A. Industries, Inc., a Delaware corporation. The defendant, however, was retained as an officer of K.R.R., Inc. and became a salary employee at the rate of $500 per week.

On November 18, 1974, the defendant became secretary of the 4300 Rock Island Road Corporation which was incorporated to construct the Executive House of Inverrary, an eight story condominium complex in Ft. Lauderdale, Florida and the subject matter of the defendant's involvement in the instant offense. Additionally, in January of 1975, the

defendant became a general partner in Romano Brothers Limited which was also incorporated for the Executive House project. He initially held 25% in the partnership which became 45% following the resignation of one of the general partners in November of 1975. The corporation was utilized by the defendant and his brother exclusively for the Executive House project after the record books of 4300 Rock Island Road Corporation were closed in April of 1975.

In 1977, the Executive House project was completed. Records reflect that on August 26, 1977, Romano Brothers Limited turned over the Executive House of Inverrary project to the Bergen and Passaic Pension Fund for $5,407,000. No cash was recognized by the defendant as the sale was consummated in lieu of foreclosure.

Since the Executive House project, the only project the defendant has been involved with was the eight unit apartment complex at 136 Golden Isles Drive, Hallandale, Florida. The defendant and his brother each own one of the apartment units and final arrangements with the development are in the process of being completed in order to turn the project into a condominium. The defendant does hope to continue in the construction field following disposition of this case.

HEALTH:

Physical. The defendant is 5'9" tall and weighs 215 pounds. He was hospitalized during the war due to a shoulder injury which did necessitate an operation upon his return to the United States. Additionally, the defendant has been under medical supervision since March of 1975 with Dr. Peter S. Irving, M.D., an internal medicine specialist. According to Dr. Irving, the defendant was admitted in April of 1975 for an episode of bleeding following the office removal of a rectal polyp. He was re-admitted in September of 1975 with an acute myocardial infarction. Since that time, the defendant has had intermittent angina with exertion, emotion or heavy meals. He does take medications which include inderal, sorbitrate, nitro-stat, atromid S and tagamet.

Mental and Emotional. Aside from the previously mentioned hospitalization for psychoneurosis prior to his discharge from the Armed Forces, the defendant has experienced no psychological or emotional problems. He did impress this officer as fully comprehending the actions taking place

in reference to the instant offense and he was very cooperative with the probation department in supplying background information and his version of the case. The defendant adamantly denies any guilt in the instant offense and feels that the actions on the part of the government were a direct result of the government investigation into the disappearance of Jimmy Hoffa. The defendant does have strong support from his family and is described as a good husband and father.

FINANCIAL CONDITION:

Assets. At the present time, the defendant's only source of income is $1,800 per year from a recreation lease. Additionally, he has approximately $80,000 in savings and owns 25% interest in a parcel of land in Oxon Hill, Maryland. His current residence at 136 Golden Isles Drive is still in litigation although he will own it free and clear. Additionally, the defendant was part owner of Sea Inn of Hallandale Restaurant which was sold on December 5, 1978 to Pandra Enterprises, Inc. The defendant and Thomas Romano took back an $800,000 wrap around mortgage at $6,944 per month. It is noted that all monies being received from the Sea Inn are being placed with the Clerk of the U.S. District Court as of February 20, 1981 pending a decision on criminal forfeiture.

Liabilities. In regards to the Sea Inn of Hallandale Restaurant, the defendant and his brother are responsible for the payments of $2,353.91 per month to the Bank of Hallandale and Trust Company on the original $200,000 mortgage. The defendant estimates mortgage payments of approximately $1,200 per month on his present residence to cover taxes, insurance, fees and repairs. Additionally, he does pay any hospital expenses over and above those covered by health insurance.

The defendant is facing criminal forfeiture due to his conviction in the instant offense which could amount to approximately $600,000. Additionally, he is one of several defendants in a law suit filed by a trustee for I.O.T.A. Industries, Inc. seeking damages from the loss they claim to have suffered based on the facts contained in the instant offense. The defendant is also being sued in Broward County Case Number 78-5304 by the trucking employees of North Jersey Welfare Fund.

EVALUATION:

The defendant is before the court for sentencing following a jury verdict of guilty to criminal offenses including participation in an enterprise through a pattern of racketeering activity, mail fraud, wire fraud, embezzlement of employee pension benefit plan, using and investing racketeering income in an enterprise and income tax violations. The offenses, contained in a 21 count indictment, stemmed from an investigation into the activities of the defendant and his brother, codefendant Thomas Romano, regarding the receipt of a construction loan from a New Jersey based teamsters pension fund. The government charged that the money was obtained through misrepresentations and a total of over $1,000,000 reportedly taken by the defendant and his brother from the fund for their personal use.

Frank Romano was born in September, 1920 in New Haven, Connecticut shortly after the arrival of his parents to the United States from Italy. His formative years were reportedly uneventful and he was raised by his natural parents in New York. His formal schooling was halted in 1935 as the depression necessitated his finding work to help in the support of the family. Records reflect an outstanding military record for the defendant, having served in the Army Air Corp from September 15, 1942 through February 24, 1945 when he was honorably discharged with numerous declarations. His only marriage, occurring just prior to his going overseas during the war, remains intact and has produced three children, all of whom speak highly of their father. Since his discharge from the service, the defendant has been continuously employed with his brother, Thomas Romano, in the construction industry and they have developed numerous residential developments and apartment complexes over the past several decades. The instant offense stems from what the government recognized to be irregularities in securing financing for one of those developments.

From all indications, the defendant, who first relocated to the south Florida area in 1959, participated successfully with his brother in the development of at least one half dozen apartment buildings in the Broward County area. It is apparent that the energy crisis of the early 1970's which hurt the construction industry could very well have played a part in the difficulties experienced by the defendant and his brother in obtaining construction loan financing. From a review of available records, it is apparent that the government's interest in the defendants stem directly from a probe which began in 1975 of individuals whom the government believed had

some involvement in the disappearance of former Teamster official Jimmy Hoffa. Government interest appeared to be specifically concerned with the relationship between both defendants, Frank and Thomas Romano, and Anthony Provenzano, then president of Teamster Local 560 in New Jersey, and a reputed member of the Vito Genovese LCN crime family. Of particular interest to investigators appeared to be several real estate transactions which took place between Provenzano and defendant Thomas Romano in November of 1974, within weeks of the Romanos' approval for the construction loan. Records indicated that Thomas Romano sold a residence, previously advertised ten months earlier with a real estate agent for $135,000, to Anthony Provenzano for $115,000. On the same date, Thomas Romano paid $77,000 cash for two properties owned by Provenzano. What interested law enforcement authorities was the fact that county tax records showed the house Provenzano purchased to be well below market value while Broward County tax rolls showed the properties purchased by Thomas Romano for $77,000 to be assessed at a total of $28,980. Law enforcement authorities were therefore curious about what role, if any, Provenzano played in arranging for the teamster loan. Both the defendant and his brother, codefendant Thomas Romano, have vehemently denied any connection between Provenzano and the granting of the construction loan, stating that they would have already had access to the teamsters if they had needed assistance as Tom Romano's ex-wife, Miriam, had previously been married to an individual named Jack Backus, a high ranking individual in the teamster's outfit.

The government, represented by special attorney James Deichert, feels incarceration to be appropriate in this case. He cites, in particular, the magnitude of the crime and the ongoing nature of the criminal actions for which the defendant was found guilty. He also notes the potential deterrent effect the imposition of a confinement sentence would serve to render. The government feels that the trial clearly showed that both defendants consciously misrepresented the availability of construction financing and then proceeded to remove in excess of $1,000,000 from monies provided by the fund as expenses that the defendants felt were owed them. It was pointed out that as of December of 1973, all assets in K.R.R., Inc., of which the defendants were officers, belonged to I.O.T.A. Industries, and not the defendants. Furthermore, the 2.4 million dollars in notes provided the defendants as partial payment for his stock were to be paid from "profits" generated by K.R.R., Inc. in their development of the Greens of Inverrary. The government emphasized that

a lack of profit generated would, in effect, make the notes worthless, describing the defendants' actions in originally selling the stock as a gamble. Mr. Diechert felt the case itself showed that the defendant misled, deceived and manipulated third parties and that he engaged in a cover up of his actions by using a "loan" defense. The government indicated that the defendant admitted to building a cash hoard to bribe trustees if need be and he showed a willingness to pay money under the table in order to sell recreation leases. Furthermore, Mr. Diechert felt the finder's fee received in cash by the defendant was abnormally high for the amount for which the leases were sold and he emphasized the fact that the agreement was back dated. Mr. Diechert felt the monies taken caused a detrimental impact on the pension fund and noted that the defendant's conviction in count 21 of the indictment involved the defendant's receipt of $67,051 in a tax refund based on the filing of a false application for refund. Mr. Diechert, on behalf of the government, feels that aside from a confinement sentence, the defendants should receive a fine, restitution and be required to pay the cost of prosecution.

The defendant, represented by Neil Sonnett, indicates that he does plan to appeal the convictions. Mr. Sonnett questioned the applicability of the RICO prosecution and felt the complexity of the case might have confused members of the jury. Mr. Sonnett did point out that he was not the attorney who originally tried the case and that he is still in the process of reviewing the extensive documentation which will assist him in his appeal. He did indicate that he felt incarceration would serve no purpose and described the defendant as a candidate for probation.

Alternative Plans. Should probation be granted by the court, or should the defendant come under the probation office jurisdiction by way of the parole process, supervision would be utilized to monitor the defendant's business and financial transactions and associations. The defendant does hope to return to the construction field and at this point and time is looking towards the possibility of relocating with his brother to some area outside of south Florida.

Sentencing Data. The following national statistical information was obtained from the Statistical Analysis and Reports Division of the Administrative Office of the United States Courts for the fiscal year ending June, 1979. Local statistics were compiled by the Probation Office for the Southern District of Florida through the fiscal year ending June, 1980.

RACKETEERING

	NATIONALLY NUMBER	PERCENT	SD/FL #	PERCENT
Total defendants sentenced:	65		17	
Fine only:	7	11	0	0
Received probation:	6	9	1	6
Split sentence:	27	42	1	6
Imprisonment:	25	38	15	88
Average sentence of imprisonment was:	76	Months	193	Months

Salient Factor Score*: 11 Offense Severity Rating: Greatest I

Term likely to be served: If defendant is committed, it is likely he will serve between 40 and 52 months according to the Parole Commission Guidelines.

*These are estimates of the U. S. Parole Commission score.

Respectfully submitted,

George S. Thompson

George S. Thompson
U.S. Probation Officer

Approved:

Frank Schwartz, Supervising
U.S. Probation Officer

GST:hcb
May 5, 1981

UNITED STATES OF AMERICA

vs.

FRANK ROMANO
DOCKET NO. 78-364-Cr-ALH

OFFENSE:Counts 1 & 6:Participating in conduc of an enterprise through a pattern of racketeering activity, 18:1962 & 1963
Counts 2,3,5 & 12:Mail fraud, 18:1341
Counts 4,7,8,9,10 & 13:Wire fraud, 18:1343
Counts 11 & 14:Embezzlement from employee pension benefit plan, 18:664
Count 15:Using and investing racketeering income in an enterprise, 18:1962(a) & 1963
Counts 17.19 & 21:Income tax,26:7206(1)

PENALTY:Counts 1 & 6:M/S $25,000-20 years, or both, as to each count.
Counts 2,3,5 & 12:M/S $1,000-5 years, or both, as to each count.
Counts 4,7,8,9,10 & 13:M/S $1,000-5 years, or both, as to each count.
Counts 11 & 14:M/S $10,000-5 years, or both, as to each count.
Count 15:M/S $25,000-20 years, or both.
Counts 17,19 & 21:M/S $5,000-3 years, or both, as to each count.

RECOMMENDATION:

Based on the information contained in this report, the following is respectfully recommended.

As to count one of the indictment, it is respectfully recommended that the defendant be committed to the custody of the Attorney General or his authorized representative for a period of three (3) years.

As to each of counts two through fifteen, seventeen and nineteen, it is respectfully recommended that the defendant be committed to the custody of the Attorney General or his authorized representative for a period of three (3) years. It is further recommended that these sentences run concurrent with one another and concurrent to the sentence imposed in count one.

As to count twenty-one of the indictment, it is respectfully recommended that the imposition of sentence of confinement be withheld and the defendant be placed on probation for a period of three (3) years. It is further recommended that the probation begin upon the expiration of the sentence imposed in count one.

It is recommended that the defendant be granted voluntary surrender and be considered for sentencing under the provisions of Title 18, U.S.C., Section 4205(b)(2).

REPORT ON SENTENCED OFFENDER BY UNITED STATES DISTRICT JUDGE

To Be Completed by the Probation Officer:

Name Thomas Romano FBI No.: Unavailable DOB: 3/20/16

District: Southern of Florida Offense: _____ Sentence: _____

To Be Completed by the Sentencing Judge:

SENTENCING OBJECTIVES. Court's intent or purpose for sentence imposed.

punishment.

COMMENTS ON TREATMENT NEEDS. In the court's opinion what treatment or training should the Probation Office or the Bureau of Prisons provide? (e.g., vocational, educational, medical, alcoholic, narcotic.)

RECOMMENDED INSTITUTION. Type of institution by classification (e.g., penitentiary, youth center, etc.), or by name (e.g., Leavenworth, Morgantown, etc.).

minimum security facility: Eglin or medical facility

COMMENTS AND RECOMMENDATIONS RELATIVE TO PAROLE. Give comments regarding the appropriateness of parole in view of the present offense, prior criminal background and any mitigating or aggravating circumstances.

No objection to early release on parole.

NO COMMENT ☐ *This form will be disclosed to the offender and the Parole Commission in connection with parole consideration, unless the court directs otherwise. (See 18 U.S.C. 4208)*

Original: *U.S. Probation Office*
Sentencing Judge
c.c.: *2 copies to Bureau of Prisons institution designated for confinement*

Signed Alcee Hastings
Typed Alcee L. Hastings *Date* 7/8/81

A.O. 235 (11/74)

RESPONDENT'S EXHIBIT #119

PROB 2
(Rev. 7/76)

G.S. Thompson:hcb

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PRESENTENCE REPORT
Miami, Florida

NAME (Last, First, Middle)				DATE
ROMANO, Thomas				May 5,, 1981
ADDRESS		LEGAL ADDRESS		DOCKET NO.
136 Golden Isles Drive Hallandale, Florida		Same		78-364-Cr-ALH
				RACE
				Caucasian
				CITIZENSHIP
				U.S. (Naturalized)
AGE	DATE OF BIRTH	PLACE OF BIRTH	SEX	EDUCATION
65	3/20/16	Italy	Male	High School
MARITAL STATUS		DEPENDENTS		
Divorced		None		
SOC. SEC. NO.		FBI NO.		OTHER IDENTIFYING NO.
132-01-4153		Unavailable		

OFFENSE

SEE ATTACHED SHEET

PENALTY

SEE ATTACHED SHEET

CUSTODIAL STATUS: Posted a $25,000 Personal Surety Bond on 11/29/78.

DATE OF ARREST: 11/29/78

PLEA: 11/29/78: Pled not guilty

VERDICT: 12/24/80: Jury verdict of guilty to Cts. 1-16 & 18.

DETAINERS OR CHARGES PENDING

None

OTHER DEFENDANTS

Frank Romano: jury verdict guilty on 12/24/80. PSI ordered. (Hastings, 7-8-81: Ct. 1: 3yrs. impr. Cts. 2-15, 17&19: 3 yrs. impr.ea.ct.conc.&conc. w/Ct.1.Ct.21: Imposition of sent.of confine.withheld, 3yrs. prob.w/supv.to begin upon expir.of sent. in Ct.1. Vol Surr. Pursuant to 18:4205(b)(2).)

ASSISTANT U.S. ATTORNEY
James Delgaard
Special Attorney
Department of Justice

DEFENSE COUNSEL
Neil Sonnett (Retained)
200 S.E. First Street
Miami, Florida

DISPOSITION: Ct. 1: 3 yrs. impr., Ct. 2-15, 16 & 18: 3 yrs. impr., ea. ct. concur. & concur. w/Ct. 1. Ct. 20: Imposition of sentence of confinement withheld, 3 yrs. prob. w/supv., Prob. to begin upon expiration of sentence in Ct. 1. Vol. Surr. Pursuant to 18:4205(b)(2)

SENTENCING JUDGE: Alcee L. Hastings, Miami, FL

DATE: July 8, 1981

COPY 4

CONFIDENTIAL
PROPERTY OF U.S. COURTS.
SUBMITTED FOR OFFICIAL USE OF
U.S. PAROLE COMMISSION AND
FEDERAL BUREAU OF PRISONS. TO BE
RETURNED AFTER SUCH USE, OR UPON REQUEST.
DISCLOSURE AUTHORIZED ONLY TO
COMPLY WITH 18 USC 4208(b) (2).

Sonesta Beach
Hotel & Tennis Club
350 OCEAN DRIVE
KEY BISCAYNE, FLA. 33149
(305) 361-2021

National Bar Association Meeting

STATEMENT

JDG ALCEE HASTINGS"C"
2970 NW 55 AVE#13
LAUDERHILL FLA
33313

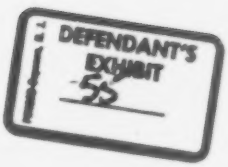
3728 194547 31004 8/83 AMX

Sonesta Beach
Hotel & Tennis Club
350 OCEAN DRIVE
KEY BISCAYNE, FLA. 33149
(305) 361-2021

RESPONDENT'S EXHIBIT #128

2896

RESPONDENT'S EXHIBIT #130



WESTERN INTERNATIONAL

Detroit Plaza Hotel
Renaissance Center
Detroit, Michigan 48243 • (313) 568-8000

6306 HASTINGS ALICEE
69.00 US DISTRICT COURT
07/26/81 300 NE 1ST AVE
07/30/81 MIAMI FL 33101
1 NBA

3 NIGHTS AT 69.00			207.00
ROOM/SALES TAX @ 4%/COUNTY ASSESMENT 1%			10.44
072781	49812	ROOM SERVICE	19.74
072781	1621306	LONG DISTANCE	4.31
072781 6306HA	27566	APPLIED EPOSITS	69.00-
072781	87615	SUMMIT	80.33
072881	4025	SPECTRADYNE MOVIES	4.90
072881	4631928	LONG DISTANCE	4.11
072881	140024	LONG DISTANCE	1.08
072981	49519	ROOM SERVICE	12.76
072981	24872	LA FONTAINE	90.87
072981	16930	SPECTRADYNE MO-ALLOW	4.90-
		AMOUNT DUE	361.64

IC 88

Mail inquiries to: Detroit Plaza Hotel
Attn: Accounting
Renaissance Center
Detroit, MI 48224
Phone inquiries to: (313) 568-8119

WESTERN INTERNATIONAL

Detroit Plaza Hotel

Renaissance Center
Detroit, Michigan 48243 • (313) 568-8000

6306 HASTINGS ALICEE
69.00 US DISTRICT COURT
07/26/81 300 NE 1ST AVE
07/30/81 MIAMI FL 33101
1 NBA

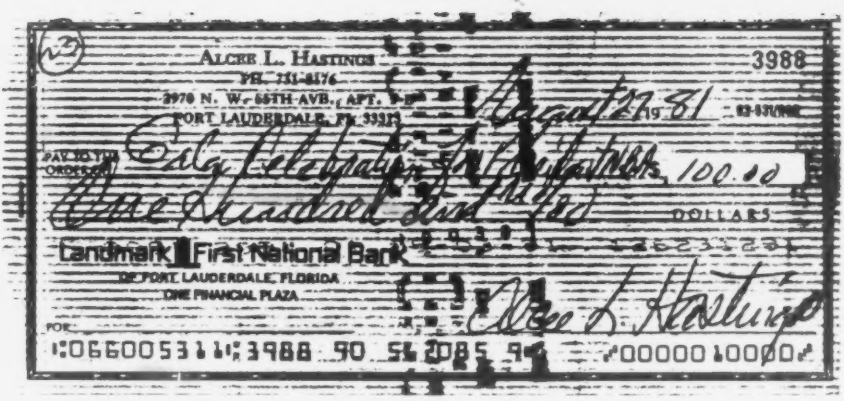
3 NIGHTS AT 69.00			207.00
ROOM/SALES TAX @ 4%/COUNTY ASSESMENT 1%			10.44
072781		49812 ROOM SERVICE	19.74
072781		1621306 LONG DISTANCE	4.31
072781	6306HA	27566 APPLIED DEPOSITS	69.00-
072781		87615 SUMMIT	80.33
072881		4025 SPECTRADYNE MOVIES	4.90
072881		4631928 LONG DISTANCE	4.11
072881		140024 LONG DISTANCE	1.08
072931		49519 ROOM SERVICE	12.76
072961		24872 LA FONTAINE	90.87
		AMOUNT DUE	366.54

Ic 89

Mail inquiries to: Detroit Plaza Hotel
Attn: Accounting
Renaissance Center
Detroit, MI 48224

Phone inquiries to: (313) 568-8119

RESPONDENT'S EXHIBIT #131


ALCEE L. HASTINGS
PH. 731-8176
2970 N. W. 65TH AVE. (APT. 3-B
FORT LAUDERDALE, FLA. 33313
3988
August 27 19 81
PAY TO THE ORDER OF
100.00
DOLLARS
Landmark First National Bank
OF FORT LAUDERDALE, FLORIDA
ONE FINANCIAL PLAZA
FOR
Alcee L. Hastings
⑆066005311⑆ 3988 90 56 2085 9⑈ ⑈00000 10000⑈

RESUME

RESPONDENT'S EXHIBIT #132

JESSE J. McCRARY, JR.
2800 Biscayne Boulevard
Suite 800
Miami, Florida 33137-4198

EDUCATION

- Public Schools of Marion County, Florida

1960 - Florida A & M University, Tallahassee, Florida
Major: Political Sciences
Minor: History
B. A. Degree

1965 - Florida A & M University, Tallahassee, Florida
J.D. Degree, Law

PROFESSIONAL EXPERIENCES

1966 - Admitted to The Florida Bar

1967 - Assistant Attorney General, State of Florida

1969 - Represented State of Florida before the United States Supreme Court

(Historical case of Williams v. State. This case established the right to have a jury of less than 12 persons. Case can be found at 406 U.S. 356)

1971 - Senior Partner in the Law Firm of McCrary, Ferguson, Lee, Adderly, Culmer and Long.

1971 - Commissioner, Florida's Industrial Relations Commission

1973 - Private Practice of Law, McCrary, Berkowitz, Davis and Feig.

1978 - Florida's 19th Secretary of State
(First Black Cabinet Member in 110 Years)

1980 - Senior Partner, Law Firm of McCrary, Valentine & Mays with offices in Miami and Ocala, Florida.

1985 - Successfully argued Neil v. State before The Florida Supreme Court. This case changed the law in Florida by forbidding the State from discharging jurors on the basis of race alone. (Cited at 457 So.2d 481)

1986 - Actively engaged in civil trial practice, with emphasis on governmental and administrative law. The firm does considerable work in the area of probate, real property, and business development.

1987 - Presently serving as Co-counsel (Bond issue) for the City of Miami along with the firm of Greenberg, Traurig, Askew, Hoffman, Lipoff, Rosen & Quentel, P.A.

Co-counsel for Bear Stearns in a $40 million bond issue for the City of Miami.

Co-counsel to Shearson Lehman Brothers for $22 million bond issue for the City of Miami Beach.

Co-counsel for Cedars of Lebanon Hospital with Shea and Gould.

MILITARY

1960 - Commissioned Second Lieutenant, United States Army

1962 - Honorable Discharge, First Lieutenant

PAST GOVERNMENTAL BOARDS AND COMMISSIONS

Member, Board of Trustees, Florida Memorial College
Governor's Commission to Study Capital Punishment
City of Miami Centennial Celebration Commission
Governor's Commission for Judicial Reform
State of Florida Consumer's Council
Chairman, Florida Correction Review Commission
Florida's Advisory Council to Bureau of Worker's Compensation
Dade County Unsafe Structure Review Board
Grievance Committee, Florida Bar Association, 11th Judicial Circuit
Commissioner, Constitution Revision Commission
Chairman, Select Committee to Review Competency Testing in Florida
Commissioner, Florida's Study of Secondary Schools
Commissioner, Florida's Education Standards Commission
Board of Directors, American Judicature Society

CURRENT MEMBERSHIPS, ORGANIZATIONS AND ACTIVITIES

Florida Bar Association
National Bar Association

American Bar Association
Association of School Board Attorneys
American Judicature Society
The Association of Trial Lawyers of America
Board of Trustees, University of Miami
Board of Trustees, Dade County United Way
Tiger Bay Club
The Florida Academy of Trial Lawyers
NAACP
Miami Varsity Club
Urban League of Greater Miami
Dade County Sur-Tax Commission
Author: The Black Lawyer: The Florida Report
Published by the Barrister (University of Miami, School of Law)

HONORS AND AWARDS

Three times honored as Outstanding in Florida by Florida Chapter of National Bar Association

Twice named one of the Outstanding Young Men of America

Maritorious Achievement Award - Florida A & M University, 1972. (This is the University's highest award)

Award for Outstanding Contributions - Florida's Constitution Revision Committee

Award for Outstanding Contributions in Human Relations and Law - Bethune Cookman College

The Whitney Young Memorial Award - Greater Miami Urban League

Twice honored by School Board of Dade County for Outstanding Contributions to the School System.

Distinguished Service Award - Florida Industrial Relations Commission

Distinguished Achievement Award - Phi Delta Kappa Educational Fraternity, Florida A & M University

Voted Outstanding Black Lawyer in America by the National Bar Association

Listed in the 1987 Edition of the Best Lawyers in America

PERSONAL

Date of Birth:	September 16, 1937
Place of Birth:	Blitchton, Florida
Church Affiliation:	Mt. Zion Baptist Church
Married:	Margaret Nixon McCrary
Children:	Bonnye Yvette Pamela Jessica

Jesse J. McCrary, Jr., received his B.A. from Florida A & M University in 1960, and served as 1st Lt. in the U.S. Army from 1960 - 1962. After completing his military obligation, he returned to Florida A & M University and received his law degree in 1965.

Mr. McCrary has served in a number of governmental positions, including but not limited to, Assistant State Attorney General, Assistant School Board Attorney (Dade County), Commissioner (Judge) Industrial Relations Commission, Commissioner, Florida Constitution Revision Commission and Secretary of State (Florida). He has extensive experience in representing clients in civil litigation and before governmental commissions, boards and councils, at the local and state level, and the Florida Cabinet. He is licensed to practice before all the courts in Florida, in addition to the United States Fifth and Eleventh Circuit Courts of Appeal and the Supreme Court of the United States.

He has represented and litigated on behalf of a number of major corporations in the South Florida Area including Southern Bell, Knight-Ridder, the United Way of Dade County, Florida Memorial College, Economic Opportunity Family Health Center, South Florida Employment and Training Consortium and most recently, Decoma Venture and Leisure Management, Inc., developer and manager, respectively of the Miami Arena. Mr. McCrary is basically a civil trial lawyer and was listed in the 1987 ediction of BEST LAWYERS IN AMERICA.

Jesse J. McCrary, Jr. has been hired on occasion to write legislation for both the City of Miami and Dade County, and has represented the County in some civil litigation.

Mr. McCrary's work is not limited to the state of Florida. He is general

counsel for The Links, Inc., (a national service organization of 7,000 professional women) headquartered in Washington, D.C., and Jack and Jill of America, Inc.

Mr. McCrary has accomplished a number of firsts in his legal career: he was the first Black Assistant Attorney General, the first Black Assistant School Board Attorney, an original member of Industial Relations Commission (Worker's Compensation Court of Appeals) and the first Black to represent a southern state before the United States Supreme Court. He holds membership in the following professional organizations: The Florida Bar, the American Bar Association, the Florida Chapter of the National Bar Association, the Board of Directors of Florida Lawyers' Mutual Insurance Company, Florida Academy of Trial Lawyers and the Board of Trustees of the University of Miami.

RESPONDENT'S EXHIBIT #135 A

ITINERARY ALCEE L. HASTINGS

DATE	AIRLINE	FLT	DEPARTURE	TIME DEPART	TIME ARRIVE	ARRIVAL
5/5/81	EASTERN	#4	MIAMI	6:55P	9:42P	NEWARK (NON-STOP)
5/6/81	EASTERN	#3	NEWARK	6:30P	9:02P	MIAMI
5/7/81	REPUBLIC	#457	MIAMI	6:05 p.m.	6:50P	ORLANDO
5/7/81	REPUBLIC	#456	ORLANDO	11:10 p.m.	11:55P	MIAMI
~~5/10/81~~	~~REPUBLIC~~	~~#220~~	~~ORLANDO~~	~~10:00A~~	~~10:34A~~	~~MIAMI~~

HOTEL:

CAR:

Brenda →

ITINERARY

DATE	AIRLINE	FLT	DEPARTURE	TIME DEPART	TIME ARRIVE	ARRIVAL
	Delta	1636		11:52	12:34	
	Eastern	783		4:14	5:05	1'30
Insure						Eastern
						4'14 -

sat HOTEL: June 20 - 11:56 - 12:39

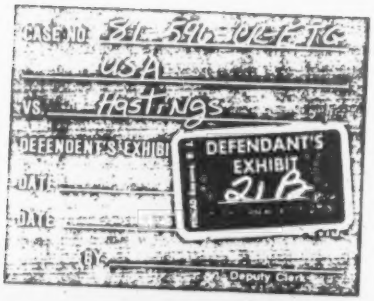
CAR:

on June 21 - Room 32?

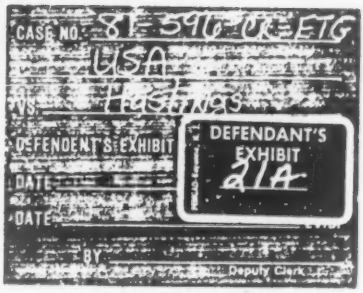
010288

RESPONDENT'S EXHIBIT #136

DAILY
REMINDER



RESPONDENT'S EXHIBIT #137



1981

STANDARD DIARY

21-613 O—89—39

DATE	AMOUNT	REFERENCE	
10/03	55.00	ROOM	1 NIGHT @ 55.00
	3.30	TAX	
10/03	1.21	161850	L DIST
10/03	27.15	6634	RMSERV
10/04	8.77	3507	RMSERV
10/04	.40	0	LOCAL
TOTAL	95.83		

Sonesta Beach
Hotel & Tennis Club
350 OCEAN DRIVE
KEY BISCAYNE, FLA. 33149
(305) 361-2021

2897

CHARGE OR PAYMENT RECORD

JDG ALCEE HASTINGS"C"
NAT'L ASSOC BAR FLA CHAPTER

10/04/81 95.33

PAYMENT RECEIVED IN CASH

Ic 90

Sonesta Beach
Hotel & Tennis Club
350 OCEAN DRIVE
KEY BISCAYNE, FLA. 33149
(305) 361-2021

1981

STANDARD DIARY

RESPONDENT'S EXHIBIT #139

1981 TRAVEL

JANUARY

15th	-	Ft. Lauderdale - Jacksonville & return Florida Junior College
24th	-	Lake Wales Agriculture & Labor Program

FEBRUARY

5th	-	Dallas, TX
7th	-	Atlanta, GA
8th	-	Orlando, FL
9th	-	Winter Haven & Orlando Valencia Community College
15th	-	West Palm Beach, FL Payne Chapel A.M.E.

MARCH

7th	-	Deland, FL NAACP Banquet
23/24	-	Orlando, FL Bethune Cookman College
28th	-	Washington, D. C. NBA Past Presidents

APRIL

17/19	-	Tampa, FL Southern Provincial Banquet-Kappas
22/25	-	Orlando, FL Bethune Cookman College
26th	-	Jacksonville, FL Church of God & Christ
18th	-	Tampa, FL

MAY

1st	-	Miami - New Orleans
5th	-	New Orleans - Newark (5/6 New Jersey)

7th	-	Newark - Orlando (5/9 Lakeland NAACP Banquet)

(ONE ITINERARY REFLECTS RETURNING ON THE 5/7 TO

10th	-	Orlando, FL - Miami (returned to Miami 10:43a.m.)
15/17	-	Gainesville, FL (Rev. Reed)
22/23	-	Orlando, FL Daytona Beach NAACP

JUNE

3/6	-	Cincinnati, OH
20/21	-	St. Petersburg, FL Stuart Memorial Christian Methodist Opa Locka Branch NAACP Miami Springs
24/28	-	Tampa, FL Fla. Bar Convention, Innisbrook

JULY

17th	-	Washington, D. C.
27/31	-	Detroit, MI NBA Conference

AUGUST

8th	-	Delray, FL Roots Cultural Arts Parade
21st	-	Merritt Island, FL

SEPTEMBER

10/11	-	Washington, D. C.
14th	-	Harrisburg, PA Juvenile Seminar
19th	-	Orlando, FL
22nd	-	Gainesville, FL Zora Neale Hurston Dinner

OCTOBER

8th	-	Albany, GA Albany State College
11th	-	Orlando, FL 369th Veterans' Association
15/16	-	Louisville, Kentucky ABA
17th	-	Orlando - Daytona Beach, FL Bethune Cookman College
20th	-	Dayton, Ohio
22nd	-	Daytona Beach, FL Bethune-Cookman College

Respondent 141

1981

STANDARD DIARY

RESPONDENT'S EXHIBIT #141 A -

1981 189th day - 176 days follow

WEDNESDAY 8 JULY

Miami

9:00 Status Conference 81-230-Cr US v Accardo,

10:00 - T. & F. Remand Sent. 78-369-CR (case)

10:00 - Sentencing - USA v Pomeranz - 81-114-CR (case)

10:30 - (2) Sentencings - USA v Shaw & Montes (case)
81-6011-CR

10:30 - Mitigate Sent. - USA v Wilson - 80-8016-CR

1:30 - ~~Change of plea - USA v Hofer - Jail~~
~~79-6057-CR~~
~~81-6033-CR~~ Cont. per Atty

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
300 N. E. FIRST AVENUE
MIAMI, FLORIDA 33101

ALCEE L. HASTINGS
JUDGE

April 21, 1981

William A. Borders, Jr., Esq.
President
National Bar Association
1900 L Street, N.W. Suite 203
Washington, D.C. 20036

Dear President Borders:

Enclosed is a letter to Judge Sharpe that is self-explanatory.

Please let me hear from you on this matter, and our report that is due soon.

Best regards,

Alcee

ALCEE L. HASTINGS

ALH/baw

Enclosure

IC 2307

RESPONDENT'S EXHIBIT #145

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
300 N. E. FIRST AVENUE
MIAMI, FLORIDA 33101

ALCEE L. HASTINGS
JUDGE

April 21, 1981

The Honorable W. Eugene Sharpe
Justices' Chambers
Supreme Court of the
State of New York
125-01 Queens Boulevard
Kew Gardens, New York 11415

Dear Justice Sharpe:

I am still receiving warm reports from some of our members who visited Florida.

I write to you now to respectfully request your consideration of two potential programs for the Annual Meeting of the N.B.A. and Judicial Council this summer.

By way of a copy, in collegial fashion, I am alerting President Borders, President-Elect Hubbard, and President-Elect Bonner. A separate copy is being sent to Dr. Price Cobbs. I invite responses from all who may be concerned.

Dr. Cobbs conducted a workshop one afternoon in Dallas during the winter meeting of the Southern Regional Council on Black American Affairs. I was there, along with the majority group who were/are educators.

To make this brief, his presentation helped those of us that desired to be helped get better in touch with ourselves. He assisted us in getting rid of some of our "excess baggage."

Dr. Cobbs is eminently endowed, and widely respected in the field of Psychiatry.

I hasten to add that Price and I are not old acquaintances. I have no idea of his fees, although I think they should be handsome. On that score, I believe he would be flexible.

At recent Judges & Lawyers Conferences I have attended, I note that "stress" and "coping" seminars for Judges and their families are fast becoming agenda items.

IC 2308

008127

In my opinion we need more input from other disciplines. Two immediate benefits that might obtain are (1) enhanced interest in our Council's activities, and (2) personal growth.

I propose that we consider trying to arrange for Dr. Cobbs to be with us for a full day of visitation and observation prior to his offering. I would then hope we could give him a full morning or afternoon, or whatever he requires in the way of time, to achieve the results he/we might desire.

Additionally, I believe at the registration we may charge from $12.00 to $15.00 to assist in defraying his/our expenses.

I am sure if you all have an interest in such a program, the mechanics can be shared for purposes of producing such a "workshop."

I turn now to another subject.

Obviously we believe that we should take programs, and our presence, to Blacks in the areas of cities that we meet in.

Further, we in the N.B.A. — Judicial Council are always about increased attendance and membership. Plus the fact we need money.

The program that I next propound may well assist towards meeting those objectives.

Let me make it clear that I think the derived funds, if any, should go in large part to the Judicial Council. Unabasedly, I assert that the Judicial Council needs the biggest share of such a financial shot. However, I believe a proper formula for sharing expenses and profits, if any, can be contemplated by the executive Boards of the organizations.

I would like the Federal Judges (all levels), that President Carter appointed, to invite President Carter and Attorney General Griffin Bell to be with us in Detroit to receive an appropriate "honor response" and "memorial of thanks."

I think we should have them know that in addition to honoring them, we are hopeful of raising funds for some stated objectives to be determined by the respective boards.

I allow for the fact that some of the Carter appointees got their appointments on "merit" (whatever that is) and for that reason and others would not be interested. I do not believe that those "poor souls" represent the majority.

To cover some more bases, I believe the non-Carter appointees should be honored appropriately at that affair. Think on the following things with me:

1. N.B.A. President Borders was/is very close to President Carter and Judge Bell.

2. Mayor Coleman Young was/is close to President Carter.

3. Detroiters did receive some direct benefits from the Carter Administration.

4. Detroit no doubt has a facility that could accommodate us in a fashion so that we might carry this "paid affair" to the community of Blacks.

5. Black caterers are abundant in Detroit. Therefore, we could exercise options that might allow for better food at equal prices or less than we normally pay.

6. The Wolverine Bar Association appears to have their "stuff together." I believe they would be helpful to us in the planning of this occasion.

7. N.B.A. Past President, Judge Ed Bell, can catalyze this affair if we get his ears and eyes (and pocketbook, smile)

8. Solictor General Wade McCree would certainly be at home in Detroit — (possible toastmaster or "high honoree.")

And the list goes on in your mind I am sure. Let's give this matter some serious attention.

Carillon beach
A Loews Hotel Miami Beach

NATIONAL BAR ASSOCIATION
JUDICIAL COUNCIL MEETING
February 26 - March 1, 1981

1 bedroom should be reserved for Feb. 26, 1981 ONLY
1 bedroom suite - Feb. 27 thru March 1, 1981

Reservations for the period of the meeting should be made on this application blank and mailed in enclosed self-addressed envelope. You will receive confirmation promptly.

ALL ACCOMMODATIONS EUROPEAN PLAN (No meals)

	DAILY RATE	
☐ Double Room(s)	(2) Persons	@ $65.00
☑ Single Room(s)	(1) Person	@ $65.00
XX One Bedroom Suite		@ $140.00

ALL RATES SUBJECT TO THE EXISTING 6% TAX

We accompany reservations with one nights deposit per room. Fully refundable upon cancellation up to hours in advance of arrival.

To heavy advance bookings, it is imperative we have your reservation at least **30 days** in advance of al.

ns(s) will be occupied by: (Please Print)

E CEE L. HASTINGS PHONE NO Area Code (305) 350-4289

UNITED STATES DISTRICT COURT

RESS 300 N.E. FIRST AVENUE

CITY MIAMI STATE FLORIDA ZIP 33101

VAL DATE 2/26/81 HOURS _____ DEPARTURE DATE 3/1/81

ill be receiving confirmation directly from the Hotel Reservation Office, CARILLON HOTEL 6801 Collins Avenue, Beach, Florida 33141

ALCEE L. HASTINGS
PH. 731-8176
2970 N. W. 55TH AVE., APT. 1-B
FORT LAUDERDALE, FL 33313

3891

January 28 19 81 63-531/660

PAY TO THE ORDER OF CARILLON HOTEL $ 65.00

SIXTY-FIVE DOLLARS

Landmark First National Bank
OF FORT LAUDERDALE, FLORIDA
ONE FINANCIAL PLAZA

FOR DEPOSIT

Alcee L. Hastings

⑆066005311⑆ 3891 90 54 2085 9⑈

IC 2302

SS1500

2916

RESPONDENT'S EXHIBIT #144

DATE
01/30/81

It is a pleasure to confirm your reservation

DEPOSIT CONFIRMATION

Carillon

A Doral Hotel/Miami Beach

NAME	ARRIVAL DATE	ARRIVAL TIME	DEPARTURE DATE	# GUESTS	# ROOMS	ROOM RATE	MEAL RATE
SATBAR	02/27/81		03/02/81	1	2	$ 140 00	

REMARKS

THANK YOU FOR CHOOSING THE CARILLON BEACH HOTEL. WE HAVE PLEASURE CONFIRMING YOUR RESERVATION AND THANK YOU FOR YOUR DEPOSIT OF 65 00 BEDROOM ONLY [illegible] 27 $65 00 2/27-3/ ONE BEDRM SUITE $140 00 DAILY ADVISE CORRECT DEPART DATE

DEPOSIT $14763

ALCEE L. HASTINGS
U S DIST CT
300 N E FIRST AVE
MIAMI, FL 33132

Check-in time is 3:00 P.M.
Check-out time is 12:00 Noon
Room rates are subject to local and state tax.

006154

2917

IC 2303

I am mindful that certain programs are fixed already. I know that many plans have been on-going for sometime. However, I believe these are good ideas that can/should be explored.

These submissions of ideas are "for the good of the Order(s)."

Warm regards,

Alcee

ALCEE L. HASTINGS

ALH/baw

cc: William A. Borders, Jr., Esq.
Ms. Arnette Hubbard
Honorable Alice Bonner

ALCEE L. HASTINGS, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

RESPONDENT'S EXHIBIT #146

March 10, 1981

Capt. Farle Wallo
Florham Police Department
111 Ridgedale Avenue
Florham Park, N.J. 07932

Dear Capt. Wallo:

This letter will serve as a confirmation of our telephone conversation today. I look forward to addressing your group on May 6, 1981, and have marked my calendar accordingly. My expected arrival date is May 5, 1981.

I am enclosing for your perusal a copy of my biographical data and a photo. If you require additional information, please let me know.

Additionally, if you have any literature relevant to your program, please forward same to me.

Thanks for inviting me, and I look forward to hearing from you soon.

Sincerely,

Alcee L. Hastings

ALCEE L. HASTINGS

ALH/baw

Enclosures

IC 2401

P.O. BOX 013200 MIAMI, FLORIDA 33101 (305) 350-4289

NEW JERSEY STATE JUVENILE AID OFFICERS ASSOCIATION, INC.

BUSINESS OFFICE
Florham Park Police Dept
Florham Park, N.J. 07932
201-377-2200

OFFICERS
Capt. Earle Wallo
President
Florham Park P.D.
Lt. Louis Ruotolo
1st Vice President
East Brunswick P.D.
Det. Sgt. Charles Marion
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Ridgefield Park P.D.
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Det. Sgt. Jerome Harrison
Long Branch P.D.
Dep. Chief Walter Stearns
Little Silver P.D.
Det. John Gale
Bogota P.D.

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Dep. Chief George Hemmler
Newark P.D.
Det. Lt. George Parry
South Orange P.D.

March 11, 1981

Honorable Alcee L. Hastings
U. S. District Court
South District of Florida
P. O. Box 013200
Miami, Florida, 33101

Dear Judge Hastings:

The New Jersey State Juvenile Aid Officers Association is honored that you have accepted their invitation to speak at its Tenth Annual Seminar on Wednesday, May 6th, 1981, at the Hartmount Country Club, W. Paterson, New Jersey.

I will forward a copy of the Seminar Program to you upon receipt of the Order from the printer. I am also enclosing copies of one of our most successful seminars.

As informative purposes, I am also enclosing a copy of a resolution regarding state and National legal drinking age of 21 sponsored by the N.J.S.J.A.O.A. and adopted by the Borough of Florham Park in January. The cover letter is self-explanatory also with the supporting agencies.

After you have had time to read and digest the contents of the resolution, I would appreciate a letter from you regarding your feelings and opinions on this most important issue.

I extend to you my most sincere thanks for your cooperation on the above mentioned matters.

SINCERELY YOURS,

Earle Wallo

CAPTAIN EARLE WALLO
President, N.J.S.J.A.O.A.
Florham Park Police Department

IC 2402

ALCEE L. HASTINGS, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

April 7, 1981

Captain Earle Wallo
President, N.J.S.J.A.O.A.
Florham Park Police Department
Florham Park, N.J. 07932

Dear Captain Wallo:

I firmly endorse the resolution regarding the 21 year old minimum legal drinking age.

As a person who fought actively for the reduction of the majority age, and one who firmly believed if "you are old enough to die, you are old enough to vote," I can honestly say I believe I was mistaken.

If, as it appears, you are aiming for a drinking age minimum, then why not seek to restore the majority age to 21 period.

I shall elaborate on this point in my remarks in May.

Thanks again for everything.

Sincerely,

Alcee L. Hastings

ALCEE L. HASTINGS

ALH/baw

IC 2403

P.O. BOX 013200 MIAMI, FLORIDA 33101 (305) 350-4289

NEW JERSEY STATE JUVENILE AID OFFICERS ASSOCIATION, INC.

BUSINESS OFFICE
Florham Park Police Dept.
Florham Park, N.J. 07932
(201) 377-2200

6th ANNUAL

OFFICERS

Capt. Earle Wallo
President
Florham Park P.D.

Lt. Louis Ruotolo
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East Brunswick P.D.

Det. Sgt. Charles Marini
2nd Vice President
Ridgefield Park P.D.

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Det. Sgt. Jerome Hamlin
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Dep. Chief Walter Stearns
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Bogota P.D.

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TWO YEAR TERM

Dep. Chief George Hemmer
Newark P.D.

Det. Lt. George Parry
South Orange P.D.

NEW JERSEY JUVENILE JUSTICE TRAINING SEMINAR

May 6, 1981

IC 2404

NEW JERSEY STATE JUVENILE AID OFFICERS ASSOCIATION, INC.

The N.J.S.J.A.O.A. will sponsor a seminar on Wednesday, May 6, 1981 at the Westmount Country Club, Rifle Camp Road, West Paterson, N.J. The program scheduled for the day is listed along with a registration form at the bottom of this page. The total cost for the day seminar will be $17.00 per person and will include registration, luncheon, and continuous coffee, tea and danish.

FOR INFORMATION CONTACT:

Capt. Earle Wallo, Co-Chairman
Florham Park P.D. (201) 377-2200

Det./Lt. Louis W. Ruotolo, Co-Chairman
East Brunswick P.D. (201) 254-5200

Det. Felix Galasso
Woodbridge P.D. (201) 634-7700

Det./Sgt. Charles A. Martini
Ridgefield Park P.D. (201) 641-6400

Det./Capt. Raymond Saunders
Middle Township P.D. (609) 465-7803

REGISTRATION

(Application may be copied)

NEW JERSEY STATE JUVENILE AID OFFICERS ASSOCIATION -

Seminar on Juvenile Crime Victimization and Parental Responsibility - Child Abuse and Incest

RESERVATION FOR:

NAME _____

AGENCY _____

ADDRESS _____

AMOUNT ENCLOSED $ _____

Enclose $17.00 for registration in Check, Money or Voucher.
Please remit by May 1, 1981 to:
DET./LT. LOUIS W. RUOTOLO, EAST BRUNSWICK POLICE DEPARTMENT
1 Jean Walling Civic Center, East Brunswick, New Jersey 08816

MAKE CHECKS PAYABLE TO N.J.S.J.O.A. INC.

PROGRAM

JUVENILE CRIME VICTIMIZATION AND PARENTAL RESPONSIBILITY
- CHILD ABUSE AND INCEST -

8:15 A.M.	Registration	
8:55	Introduction	Det./Lt. Louis Ruotolo, E Brunswick P.D. First Vice President, N.J.S.J.A.O.A.
9:00	Moderator	Capt. Earle Wallo, Florham Park P.D. President, N.J.S.J.A.O.A.
9:10	Incest - Victim and Family	Mrs. Sharon W. Ryan, Director of Family Enrichment Program, Morristown Memorial Hospital
9:45	Legislation Regarding Juvenile Crime and Parental Responsibility	Hon. Martin A. Herman, Assemblyman, Chairman-Assembly Judiciary Committee
10:20	Standards and Goals for Juvenile Justice	Former Commissioner Ann Klein Department of Human Services
10:55	The Courts and Juvenile Justice	Hon. Judge Alcee L. Hastings, US Dist.Court South District of Florida
11:45	Questions and Answers	
	CASH BAR...LUNCH TO FOLLOW	
1:20 P.M.	Juvenile Problems, Child Prostitution, Sexual Supermarkets	Father Bruce Ritter, Executive Director Covenant House
2:00	New Horizons - Juvenile Justice	Hon. Robert N. Wilentz, Chief Justice New Jersey Supreme Court
	Question and Answer Period	

SEMINAR CONCLUDES

NEW JERSEY STATE JUVENILE AID OFFICERS ASSOCIATION, INC.

May 13, 1981

BUSINESS OFFICE
Florham Park Police Dept.
Florham Park, N.J. 07932
201-377-2200

OFFICERS
Capt. Earle Wallo
President
Florham Park P.D.
Lt. Louis Ruotolo
1st Vice President
East Brunswick P.D.
Det. Sgt. Charles Martini
2nd Vice President
Ridgefield Park P.D.
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Det. John Gato
Bogota P.D.

TRUSTEE
TWO YEAR TERM
Dep. Chief George Hammer
Newark P.D.
Det. Lt. George Perry
South Orange P.D.

Honorable Alcee L. Hastings
U. S. District Court
South District of Florida
P. O. Box 013200
Miami, Florida 33101

Dear Judge Hastings:

On behalf of the New Jersey State Juvenile Aid Officers Association, I wish to extend most sincere thanks for your enlightening talk at our SIXTH ANNUAL SEMINAR. Committee members received excellent comments on the speakers and on the subjects covered by them, which made this seminar one of the most outstanding. Many lines of communication between law enforcement and other agencies involved in the juvenile spectrum were opened up. Your participation in the program definitely contributed to the success of the seminar, as noted by the press coverage you received, copy of which is enclosed. The standing ovation which you received speaks for itself. I can recollect only one other case where another speaker received such a response.

We are most appreciative of your time, not only given to the seminar itself, but also given in the juvenile field, in which we are mutually interested and involved for the betterment of our society.

Very truly yours,

Earle Wallo

Captain Earle Wallo, President
NEW JERSEY STATE JUVENILE AID
OFFICERS ASSOCIATION, INC.

IC 2405

EW:rs

Encl.

WESTMOUNT
Country Club

RIFLE CAMP ROAD, WEST PATERSON, N. J. 07424
Phone: (201) 256-2700

New Jersey State Juvenile Aid Officers
Association, Inc.

Florham Park Police Dept
Florham Park, NJ 07932

2929

21-613 O—89——40

United Press International

retary of State Alexander Haig, right, briefs President Reagan on his recent trip to Europe during a meeting at the White House

House buries moves by liberals on budget

(Continued from Page One)

mmon came close to predicting a

"We do feel today that the tide is ng our way," said acting press tary Larry Speakes.

The House has 241 Democrats and Republicans with four vacancies. If epublicans vote with Reagan, only emocrats would be needed to ap- t his budget.

With the House on the verge of ap- ng the Reagan budget, O'Neill aimed to make congressmen live

One of the proposals rejected last night — sponsored by the 18-member Congressional Black Caucus — called for $29.4 billion less in defense spending than Reagan wants, and $37.5 billion more in social programs such as public service jobs, food stamps, health care and student assistance.

The proposal rejected the Administration's tax cut plan in favor of a different reduction providing more relief to low- and middle-income workers and would have left the government with a surplus next year of $7.4 billion.

The defeated Obey alternative and

Juvenile aid workers focus on the soaring rate of crime

By BETTY M. LIU

Alarmed by the growing incidence of juvenile crime, 260 educators, social workers and police and juvenile justice officers met yesterday to discuss solutions — and reasons — for the problem.

Offenses by youths now account for more than 50 per cent of all crimes committed in New Jersey and the nation, the audience was told at yesterday's 6th annual seminar of the state Juvenile Aid Officers Association in West Paterson.

Experts also offered statistics on crimes committed against children, including child abuse, incest and other forms of sexual mistreatment.

The authorities gave their listeners information that attempted to go beyond the bare statistics, as they told tragic stories of abuses by children, against children, and by adults.

"Adults can't get their act together," said U.S. District Court Judge Alcee L. Hastings of Florida, who grew up in Jersey City, Atlantic City and Newark. "It isn't children who have created these problems, it is the adults — police officers, judges, social workers, psychologists and everyone else."

Hastings, the keynote speaker, chided his listeners for not doing enough and for too often passing the buck. Sprinkling his speech with references to his experiences as a black child in New Jersey, Hastings charged conference sponsors with hypocrisy.

"The first thing that's a mistake is that we don't have any children here today," he remarked, "yet here we are talking about their problems. We need to hear what they have to say."

This was just one example of overlooking the obvious which Hastings cited as he alternately shouted and whispered, pounded the podium and made jokes. Other problems that the judge noted were well-meaning parents who fail to screen the television shown and music their children enjoy, and entertainment heavily seasoned with references to sex and drugs that shape the attitudes of potential offenders.

Hastings' often rhetorical remarks were balanced by the nuts-and-bolts presentation of Assemblyman Martin A. Herman (D-Salem), chairman of the Assembly Judiciary Committee, which is drafting a new juvenile code.

Herman touched on many of the practical features of the proposal, which calls for the establishment of a family court system to replace the Juvenile and Domestic Relations Court. Under a family court, parents would assume responsibility for the actions of their children. Presently, the juveniles were held accountable. Other family concerns — including matrimonial cases — also would be handled by the family court.

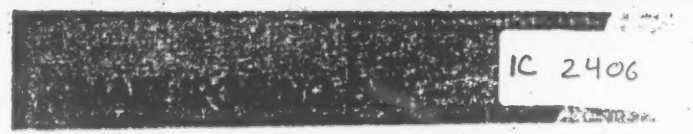
The assemblyman said the plan would provide juvenile crime officers with broader access to the offenders' records and files. He also urged more effective use of existing services.

When members of the audience confronted Herman with the high incidence of crimes committed by drunken teenagers, the assemblyman responded with a promise to support raising the legal drinking age to 21, a remark that brought cheers and applause from the audience.

Sharon Ryan, director of family enrichment at Morristown Memorial Hospital spoke of child abuse. According to statistics compiled by her office, for every one case of abuse reported, 25 go undocumented. Ten to 20 per cent of all child abuse cases are sexual, she said, with the average victim being 11 years old.

The most frequent and least-reported type of incest happens between brothers and sisters, Ryan said. Also common are sexual advances by a mother's boyfriend toward the woman's daughter and relations between stepfathers or fathers and their daughters.

Other speakers include New Jersey Supreme Court Chief Justice Robert N. Wilentz, who commended the group for its dedication, and former state Human Services Commissioner Ann Klein. Although seminar sponsors announced she had been invited prior to her gubernatorial announcement and that her appearance was not political, Klein's campaign literature was distributed to the audience during a break.



2931

[redacted] Rise [redacted] all Of Kids

By LAURIE [redacted]
Staff Writer

WEST PATERSON — The creative wisdom of children and the community at large are needed for the success of any program aimed at tackling juvenile problems. And the rise or fall of our children will decide the future of the nation.

That was the message heard recently by several hundred juvenile police officers, social workers and corrections officers gathered at the sixth annual training seminar for the N.J. State Juvenile Aid Officers Association.

"If we give up on our youth, we've gone a long way toward giving up on ourselves," said Chief Justice Robert N. Wilentz of the N.J. Supreme Court.

Wilentz applauded a proposed overhaul of the juvenile justice system that would establish a Family Court with jurisdiction over an entire family, not just the juvenile delinquent. The legislation is scheduled for introduction this month.

"We're talking about the survival of a nation," said U.S. District Court Judge Alcee L. Hastings, seated in Miami. Hastings, a former resident of this state and juvenile court judge who speaks frequently around the country, said adults have created situations that lead children astray.

"Communities are still workable answers to a lot of our problems," said Hastings, who advocated a "paramilitary" approach to dealing with problem youths. "Children need discipline, dignity and something to belong to. Give them a chance," said Hastings, who also advocated local councils comprising all segments of the community to take an interest in and listen to children, then tailor programs to fit their needs.

Juvenile justice, incest and child abuse were topics addressed by six speakers at the Westmount Country Club.

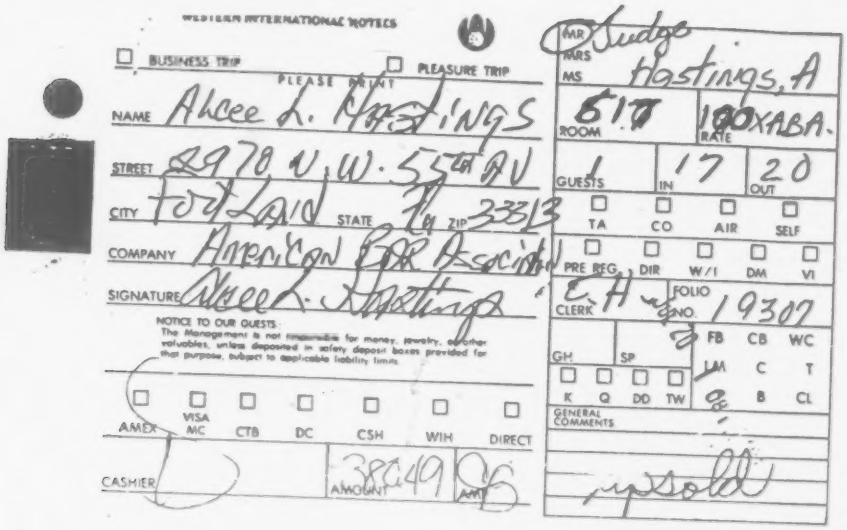
The Rev. Bruce Ritter, executive director of the Covenant House, a shelter in New York's Times Square for runaways, provided the most sobering picture of abuses suffered by boys and girls caught up in the hustle of the city's $1 billion-a-year pornography and prostitution business because it is their only means of survival.

"Children by the thousands are literally bought and sold everyday," Ritter said. "I don't think our kids are the problem. I think we are. We have a sex industry because we want one. Sex is considered entertainment. It has become legitimate to pay the entertainers even — God help us — when they're kids."

Sharon W. Ryan, director of Morristown Memorial Hospital's family enrichment program, said one of every four girls will undergo some sort of sexual abuse in the home by age 18.

One-third of these cases will go unreported because of the strong concept of family unity, Ryan said. In cases of incest, she said, it is suspected only one of every 25 incidents is reported. Usually, the relationship has gone on for about two years before it is reported, she added.

RESPONDENT'S EXHIBIT #147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JUL 17	TAX 617	C* 10.00			
JUL 17	OCC TX 617	C* .80		* 115.90 *	A* 115.90
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JUL 19	ROOM 617	C* .00			
JUL 19	ROOM 617	C* 100.00			
JUL 19	TAX 617	C* 10.00			
JUL 19	OCC TX 617	C* .80		* 380.49 *	

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RESPONDENT'S EXHIBIT #152

KENNETH MICHAEL ROBINSON
509 Troon Circle
Fort Washington, Maryland 20744

Home: (301) 292-8781
Day: (202) 797-0700

Degrees

A.B. (History) - University of South Carolina (1965)
Juris Doctor - University of South Carolina (1968)

Membership in Bars of

South Carolina (1968)
Washington, D.C. (1969)
Maryland (1975)
Federal Circuits: 2nd, 3rd, 4th, D.C., 5th, 11th and U.S. Supreme Court

Memberships in Organizations:

District of Columbia Bar Association
South Carolina Bar Association
Maryland State Bar Association
American Trial Lawyers Association
American Bar Association

(and other such organizations)

Experience As:

1. Attorney, Interstate Commerce Commission (1968-69);
2. Assistant U.S. Attorney (Washington, D.C. - 1969-73);
3. Associate of Leonard, Cohen & Gettings (1973-75);
4. Sole practice and a partnership as head of office (1975-87);
5. Of-counsel to Montedonico & Mason, Chartered (April 1, 1988 to present).

Descriptions:

1. As an Assistant U.S. Attorney, I tried over 100 jury trials (winning over 95%). I briefed and argued 40 briefs in Federal Appeals Court (winning all but one).

2. Chief Defense Counsel for Dare To Be Great, Inc. (1973-74), in nine month mail fraud conspiracy case in Jacksonville, Florida where Glenn W. Turner and F. Lee Bailey were lead charged defendants.

3. Wrote and had published The Great American Mail-Fraud Trial (1976 -- based on Turner case).

4. Defended approximately 100 jury criminal trials since 1973 with hung jury or acquittal rate of over 65%, including cases of:

   a) U.S. v. John W. Jenrette - former Congressman charged in ABSCAM bribery;

   b) defended comedian Dick Gregory in White House protest case;

   c) defended numerous doctors, lawyers, corporations, judges, FBI and DEA agents in various cases involving charges of bribery, conspiracy, obstruction of justice, perjury, bid-rigging (anti-trust cases), mail-fraud, RICO and related offenses;

   d) numerous high-level narcotics conspiracy cases with great experience in tracing assets and the paper trail of criminal conduct;

   e) won $69,000,000 civil RICO case against Ashland Oil, Inc. in Eastern District of Kentucky (April to June 1988). Case settled for $25,000,000 in August 1988.

Current Practice:

A.) Civil

Have several plaintiff breach of contract, wrongful discharge cases where prognosis is good for verdicts in excess of a million dollars.

B.) Criminal

White collar criminal litigation with an emphasis on fraud and RICO cases.

References:

-- Bill Hundley (Akin, Bump & Strauss - (202) 887-4000

-- Jacob Stein - (202) 737-7777

-- Jack Vardaman (Williams & Connolly) - (202) 331-9081

-- Earl Silbert - (202) 969-7910

-- Richard Hibey - Washington, D.C.

-- Fred Thompson (attorney, Nashville, Tennessee) - (202) 887-1490

-- Senator J. Strom Thurmond, South Carolina

-- Senator John Melcher, Montana

-- Federal and D.C. Superior Court Judges (upon request)

-- Art Matthews (partner, Wilmer, Cutler & Pickering) -

All inquiries to be kept confidential to present firm.

RESPONDENT'S EXHIBIT #154

BIOGRAPHICAL INFORMATION
Charles T. Duncan

Charles T. Duncan was born in Washington, D.C., and attended public schools through the ninth grade. He was graduated from Mount Hermon Preparatory School for Boys, Mount Hermon, Massachusetts (now Northfield Mount Hermon School); Dartmouth College, cum laude, Phi Beta Kappa, in 1947; and Harvard Law School in 1950.

From 1950 to 1953, Mr. Duncan was an associate in the New York City law firm of Rosenman, Goldmark, Colin and Kaye. From 1953 to 1961, he was engaged in private law practice in Washington, D.C. with the firm of Reeves, Robinson and Duncan. From 1954 to 1960, Mr. Duncan was also a Lecturer in Law and Associate Professor of Law at Howard University School of Law.

In September 1961, he became Principal Assistant United States Attorney for the District of Columbia, having served briefly as Chief of the Appellate Division of the United States Attorney's Office. He then served as the first General Counsel of the United States Equal Employment Opportunity Commission, with offices in Washington, D.C.

From November 1966 to May 1970, Mr. Duncan was Corporation Counsel for the District of Columbia. As Corporation Counsel, he directed a professional staff of 70

attorneys and was responsible for the conduct of the legal affairs of the District Government. By virtue of his office, Mr. Duncan was Counsel for the D.C. Public Service Commission and the Armory Board and was, by Executive Order of the President of the United States, designated second (to the Deputy Mayor) in line of succession to act as Mayor of the District of Columbia during the absence or disability of the Mayor, or in the event of a vacancy in that office. On several occasions, Mr. Duncan acted as Mayor during the absence of the Mayor and his Deputy. During his tenure as Corporation Counsel, Mr. Duncan also served as Acting Director of Public Safety, with direct responsibility for the police, fire and related departments.

In May 1970, Mr. Duncan joined the Washington law firm of Epstein, Friedman, Duncan and Medalie, where he engaged in general practice with emphasis on municipal, administrative and criminal justice matters.

Mr. Duncan assumed the Deanship of the Howard University School of Law in July 1974, and served in that capacity until August 1977. He remained at Howard Law School until April 1978 as Professor of Law, teaching courses in Constitutional Law, among others.

In April 1978, Mr. Duncan became a partner in the law firm of Peabody, Rivlin, Lambert and Meyers, where he specialized in litigation. In September 1984, Mr. Duncan joined and became a partner in the law firm of Reid & Priest.

In addition to the local Bar, Mr. Duncan is a member of the Bars of New York, Maryland, and the United States Supreme Court. He also holds membership in the American Bar Association, the National Bar Association and the Washington Bar Association. In June 1972 he was elected to the office of President-Elect of the District of Columbia Bar (Unified) and served as President in 1973-74.

Mr. Duncan has long been active in civic affairs and has served on the Boards of the Health and Welfare Council, the Washington Urban League, the National Association for the Advancement of Colored People, Boy Scouts of America, Travelers Aid Society, Northwest Settlement Home, Columbia Hospital for Women, Arena Stage, and many others. He is currently a trustee of the NAACP Legal Defense and Educational Fund, the Northfield Mount Hermon School (Chairman of the Board, 1987-__), the Supreme Court Historical Society, and is an Overseer of the Tuck School of Business Administration at Dartmouth College. He is a Life Fellow of the American Bar Foundation and is a Member of the House of Delegates of the American Bar Association (1982-__). He has received numerous awards and citations for his

civic and professional activities; in 1986, he received an honorary LL.D. from Dartmouth.

He is a member of the Board of Directors of Eastman Kodak Company and TRW Inc., and he served as a Director of The Procter & Gamble Company from 1982 to 1988 and of the National Bank of Washington from 1973 to 1979. From 1975 to 1982 he was a member (Chairman, 1975-80) of the District of Columbia Judicial Nomination Commission.

Mr. Duncan was on active duty with the U.S. Naval Reserve in 1945-46, with the rank of Ensign. His hobbies include photography, golf and sailing, and he is licensed by the Federal Aviation Administration as an instrument-rated commercial pilot.

He has one son, Todd, who is 39 years of age and a graduate of Cornell University.

Office:

Reid & Priest
1111 19th Street, N.W.
Suite 1100
Washington, D.C. 20036
(202) 828-0100

Home:

1812 Upshur Street, N.W.
Washington, D.C. 20011
(202) 882-6611

Washington, D.C.
June 1988

RESPONDENT'S EXHIBIT #155

RASKIN & GRAHAM, P.A.

GROVE FOREST PLAZA, SUITE 206
2937 SOUTHWEST 27TH AVENUE
MIAMI, FLORIDA 33133-3703
Telephone: 305-444-3400

Criminal and Civil Trial and Appellate Practice in State and Federal Courts.

DONALD L. GRAHAM, born Salisbury, North Carolina, December 15, 1948; admitted to bar, 1974, Ohio, U.S. Court of Military Appeals and U.S. Supreme Court; 1980, Florida, U.S. Court of Appeals, Fifth Circuit and U.S. District Court, Southern District of Florida including Trial Bar; 1981, U.S. Court of Appeals, Eleventh Circuit; 1985, New York and U.S. Court of International Trade. *Education:* West Virginia State College (B.A., magna cum laude, 1971); The Ohio State University College of Law (J.D., 1974). Recipient: Judge Huber Memorial Award as Outstanding Trial Practice Student, The Ohio State University Law School, 1974; Army Commendation Medal with Second Oak Leaf Cluster; Department of Justice Special Achievement Award; Arthur S. Fleming Award, 1982; Outstanding Young Man of America Award, 1985. Assistant Staff Judge Advocate, U.S. Army in West Germany and Florida, 1975-1979. Assistant U.S. Attorney, Southern District of Florida, 1979-1983. Special Assignment, Organized Crime and Racketeering Section, U.S. Department of Justice, Miami Strike Force, 1980. Chief, Major Narcotics and Special Prosecutions, U.S. Attorneys Office, Southern District of Florida, 1982-1983. *Member:* Dade County, Ohio State, New York State, Federal (Treasurer, 1981-1982, Vice President, 1982-1984 and President, 1984-1985, Executive Board, 1985-1988. Southern Florida Chapter), American and National Bar Associations; The Florida Bar (Member, Criminal Law Section); The Association of Trial Lawyers of America; National Association of Criminal Defense Lawyers; Southern District of Florida, Assistant United States Attorneys Association (Member, Executive Board, 1985-1986). [Major, JAGC, USAR]

MARTIN R. RASKIN, born Jersey City, New Jersey, September 29, 1946; admitted to bar, 1974, New Jersey and U.S. District Court, District of New Jersey; 1975, U.S. Court of Appeals, Third Circuit; 1978, U.S. Court of Appeals, Fifth Circuit; 1979, U.S. Supreme Court; 1981, Florida and U.S. District Court, Southern District of Florida including Trial Bar; 1982, U.S. Court of Appeals, Eleventh Circuit; 1985, U.S. Court of International Trade; 1987, U.S. District Court, Middle District of Florida. *Education:* Bloomfield College (B.A., 1970); Seton Hall University (J.D., 1974). Member, 1972-1973 and Executive Editor, 1973-1974, Seton Hall Law Review. Recipient, U.S. Justice Department Special Achievement Awards, 1977 and 1981. Author: "Note, New Jersey Court Applies Theory of Strict Tort Liability to Hospitals and Blood Banks for Transfusion-Related Hepatitis," 4 Seton Hall Law Review 730, 1973; "The New Federal Statute on High Seas Seizure - A Government View," Florida Bar Journal, February, 1982. Lecturer: Changes in White Collar Crime Tax Penalties, Florida Institute of Certified Public Accountants Seminar, 1983; "How Not to Plea Bargain," NACDL Mid-Winter Criminal Law Seminar, 1988. Law Clerk to the Honorable Lawrence A. Whipple, Chief Judge, U.S. District Court, District of New Jersey, 1974-1975. Assistant U.S. Attorney, District of New Jersey, 1975-1978. Special Attorney, Organized Crime and Racketeering Section, U.S. Department of Justice, Miami Strike Force, 1978-1980. Chief, Criminal Division, U.S. Attorney's Office, Southern District of Florida, 1980-1982. *Member:* Dade County, New Jersey State, Federal and American (Member: Litigation Section; Criminal Justice Section; Grand Jury Committee, 1987—; White Collar Crime Committee, 1988—) Bar Associations; The Florida Bar (Member: Criminal Law Section; Grievance Committee, 1987—; Special Counsel, Grievance Committee, 1985—); The Association of Trial Lawyers of America; The Academy of Florida Trial Lawyers (Member, Criminal Law Section); National Association of Criminal Defense Lawyers; Florida Association of Criminal Defense Lawyers; Florida Criminal Defense Attorneys Association; Southern District of Florida, Assistant United States Attorneys Association (Member, Executive Board, 1985-1987; Secretary, 1987-1988; Vice President, 1988-1989); District of New Jersey, Assistant United States Attorneys Association.

RESPONDENT'S EXHIBIT #156

BARBARA E. WHITING
2831 HILLCREST DRIVE, S. E.
WASHINGTON, D. C. 20020
(202) 583-3699

NATIONAL BAR ASSOCIATION
DIRECTOR, REGION IV 1980-81
(Maryland, Virginia, West Virginia, South Carolina, North Carolina, District of Columbia)

August 24, 1981

Dear Judge Hastings,

Detroit's National Bar Association Convention was very educational, informative, glamourous social functions; historical; and very tiring but successful, for those of us who were involved with the body politics. All in all, I think it was one of our better conventions. Congratulations to the Detroit delegation!!

I believe the success of a convention depends largely on the local delagation, but the total success depends on the leadership of the President of the NBA. William "Bill" Borders, as our President for the past year, working under much stress and strain, gave us the type of leadership which we had not previously enjoyed. He took the NBA from Dallas, Texas, to Detroit, Michigan, via Madrid Spain, the Fiji Islands, a profitable fund raiser, a lawsuit with the President of the United States, a viable relationship with the President of the American Bar Association, only to mention a few. With all of these firsts and success, neither the Awards Committee nor the Board of Governors saw fit to express its appreciation to our President by some type of presidential recognition at the Awards Banquet. This was somewhat disturbing to me, as well as, to some other members of Bill's Board.

In order to pay our appreciation for Bill's successful leadership this past year, we have planned a "Gala Celebration" here in Washington on Friday, October 16, 1981, honoring Bill Borders "Our President."

We will cruise the Potomac River on "The Dandy" cruise ship" a midst "Black Tie", "Champagne", and entrees of "Prime Ribs, Chicken Cordon Bleu, Stuffed Flounder, Stuffed Shrimps." No it is not a "Bob-Lo", its an elegant restaurant. Capacity total 175; Boarding Time 7:00 P.M.; Cast off 7:30 P.M.; Disembarkation 10:45 P.M. Passage: $40.00 per person.

You have been chosen as one of the select few to spon[illegible] affair. As a sponsor we will be responsible for the cost of the [illegible], the Awards, invitations and postage. Because the sponsors are so few in numbers the assessment for sponsors is $100, which does not include your "passage" on the vessel.

A deposit of $500.00 has to be paid by September 3, 1981. September 16, 1981, is our deadline for final confirmation of the number of reservations, therefore, your assessment must be sent to me by "returned mail". Invitations must go out by August 28, 1981. "Thank you kindly."

Make checks payable to: "Gala Celebration for President NBA 1980-1981."

Very sincerely,

Barbara

Barbara E. Whiting

Enclosures

INVITATION FRONT

On the Occasion

of a

Gala Celebration Dinner Cruise

Honoring

William A. Borders, Esquire

President National Bar Association 1980-81

We cordially invite

you abroad the

"The Dandy" Cruise Ship

Friday evening October 16, 1981

Washington, D. C.

PLEASE DO NOT DISCUSS THIS AFFAIR

WITH THE HONOREE UNTIL

THE FORMAL INVITATIONS

HAVE BEEN MAILED

Barbara

Invitation Inside.

"A Champagne Dinner Cruise"
October 16, 1981

Boarding Time	7:00 p.m.
Cast Off	7:30 p.m.
Disembarkation	10:45 p.m.
Passage	$40.00

BLACK TIE

COCKTAILS AND DINNER

SPONSORS

CO-ORDINATORS Barbara E. Whiting and Carolyn Y. Howard

The Honorable Joyce London Alexander
George Allen, Esquire
Marvin Arrington, Esquire
Edward Bell, Esquire
James Cobb, Esquire
T. J. Cunningham, Esquire
Warren H. Dawson, Esquire
Thomas A. Duckenfield
The Honorable Alcee Hastings
Elaine Jones, Esquire
The Honorable Henry Lattimer
William Lewis, Esquire
Jesse McCrary, Esquire
Ruby McZier, Esquire
Joyce Mitchell, Esquire
Leroy Nesbitt, Esquire
The Honorable Theodore R. Newman
Delano Steward, Esquire
The Honorable William S. Thompson
O. T. Wells, Esquire
Dudley R. Williams, Esquire

Cruise Ship Dandy

Dinner Menu

Appetizer

Changes with Season

Salad

Fresh Spinach Salad

with fresh mushrooms, walnuts, mandarine oranges
Ship's Dressing - herbs, wine vinegar, oil, honey

Entrées

Prime Rib

served with baked potato, sour cream, butter

Shrimp

stuffed with crabmeat, served with fluffy rice

Stuffed Flounder

served with fluffy rice

Chicken Cordon Bleu

served with fluffy rice

All entrées include fresh rolls, butter and vegetable of the day.

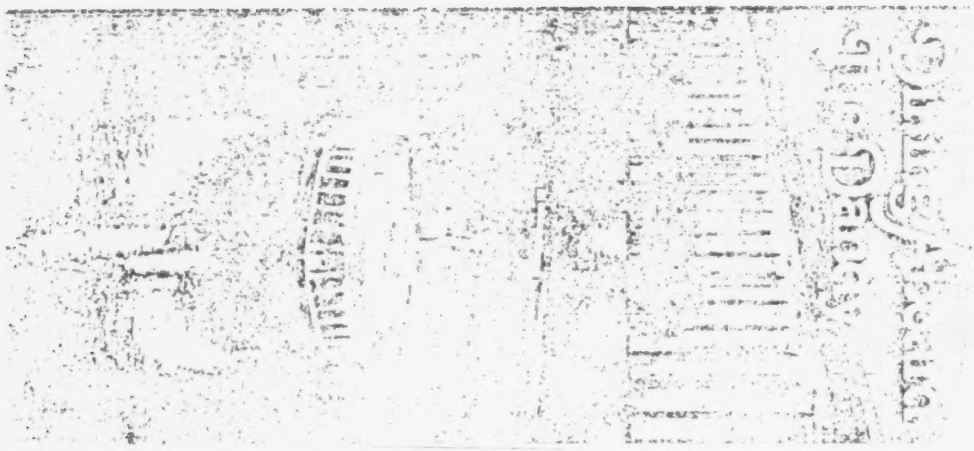
Desserts

New York Cheese Cake
Carrot Cake

Coffee . Sanka Tea

omac Party Cruises, Inc
0 Prince Street
Town Alexandria
xandria, Virginia 22314
) 683-6076

CASE NO. 31-596-CR-T-17C
USA
VS. Hastings
DEFENDENT'S EXHIBIT 13
DATE
DATE
BY
Deputy Clerk



Reid's office
pc

RESPONDENT'S EXHIBIT #157

130

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

FILED

1982

UNITED STATES OF AMERICA)
)
v.) CASE NO. 81-596-Cr-ETG
)
WILLIAM A. BORDERS, JR., and)
ALCEE L. HASTINGS)

TRANSCRIPT OF PROCEEDINGS AT HEARING ON DEFENDANTS' NON-EVIDENTIARY PRETRIAL MOTIONS

Pursuant to notice, the above-entitled matter came on for hearing before Hon. Edward T. Gignoux, Chief Judge, United States District Court, District of Maine, sitting as a District Court Judge in the Southern District of Florida by designation of the Chief Justice, at the United States Courthouse, Miami, Florida, on Wednesday, February 17, 1982, which proceedings were as follows:

APPEARANCES:

For the Government: Reid H. Weingarten, Esq., and Robert I. Richter, Esq. Public Integrity Section Criminal Division, Department of Justice, Washington, D.C.

For Defendant Borders: John Shorter, Esq. Washington, D. C.

H. T. Smith, Esq., Miami, FLA

For Defendant Hastings: Joel Hirschhorn, Esq. Miami, Florida

James J. Hogan, Esq., Miami, FLA

Andrew P. Mavrides, Esq. Ft. Lauderdale, Florida

Terence J. Anderson, Esq. Coral Gables, Florida

Linda Carroll, Esq., Miami, FLA

HARRY B. DERRY
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
PORTLAND, MAINE 04112

3/30/82
pc

(In open Court at 9:30 o'clock a.m.:)

THE COURT: Good morning, Counsel, and Ladies and Gentlemen.

As counsel have been previously notified, this is a hearing on non-evidentiary motions filed by the defendants in Case No. 81-596-Cr-ETG, the action of the United States of America v. William A. Borders, Jr., and Alcee L. Hastings, Defendants.

The Court has received and has reviewed with care the entire record in this case consisting principally of the motions in question filed by the defendants, the Government's responses to those motions, the supporting and opposing memoranda, and the Court is prepared to hear such argument as counsel may wish to present supplementing or emphasizing what may have been set forth in their submitted papers.

It will not be necessary for counsel to restate or repeat what is already set forth in their submissions.

In anticipation of this morning, the Court prepared an agenda, an order of argument, an order of the proceedings, which has been distributed by my Law Clerks, I believe, to counsel, and also additional copies for the benefit of the news media who may be present. The Court is hopeful that the hearing can be completed today, very possibly a long day. That will depend largely on counsel. The Court has, however, reserved tomorrow, and if we

cannot complete the proceedings by a reasonable hour this afternoon, we will continue tomorrow morning and as necessary.

As you review the agenda, you will note, first, the Court will wish to note the appearances of counsel. The Court has then specified the order in which it will hear argument on the various motions which have been filed, and then the Court, at the conclusion of the hearing on those motions, will discuss with counsel the hearing to be held on Monday, March 1st -- commencing on Monday, March 1st -- on various other motions which will require probably the hearing of some evidence, and it is possible that at that time, depending upon the Court's rulings upon the so-called James motion and the Rule 6(e) motion, it may be necessary for the Court to hear evidence with respect to those matters which the Court would anticipate doing during that same week of March 1st.

As counsel are also aware, at the prior status conference, counsel agreed, and the Court ordered, that the trial -- assuming a trial is to proceed, commence on Monday, March 22nd, counsel assuring the Court that the trial will not last more than two weeks.

With that preliminary, we will continue this morning, if I ever stop talking, until about 12:30 with a ten minute break about halfway through the morning, resume at 1:30 and continue until 4:30 or 5:00 with a mid-afternoon break.

The Court first wishes to note the appearances of counsel.

Appearing, first, for the United States of America? And will you rise so that I can recognize you. I think I know most of you.

Mr. Weingarten?

MR. WEINGARTEN: Yes, your Honor.

THE COURT: And Mr. Richter?

MR. RICHTER: Good morning.

THE COURT: Appearing for the defendant William A.Borders, Jr., Mr. Shorter?

MR. SHORTER: Good morning, your Honor.

THE COURT: And Mr. Smith?

MR. SMITH: Good morning, your Honor. I just want the Court to note that we are happy that the agenda showed us as having standing to represent Mr. Borders. Before we start, we need seating, so we would just like to pull this table around if that's okay before we start. There is a small table right here.

THE COURT: Of course, no problem. Why don't you do that while we're proceeding.

MR. SMITH: Okay. I just didn't want to disturb you.

THE COURT: May I say this Court is not responsible for the seating arrangements in the Courtroom which we have never seen before.

MR. SMITH: Thank you, your Honor.

THE COURT: Appearing for the Defendant Alcee L. Hastings?

Mr. Hirschhorn?

MR. HIRSCHHORN: Yes, your Honor.

THE COURT: Who is appearing with you, Mr. Hirschhorn?

MR. HIRSCHHORN: Your Honor, Mr. Waterman is not here; Mr. Hogan, of course, is here.

THE COURT: Mr. Hogan?

MR. HOGAN: Yes, your Honor.

THE COURT: Right.

MR. HIRSCHHORN: Yes, your Honor. Mr. Mincberg is in another trial, and Professor Blakey is teaching classes, your Honor. He won't be here.

Your Honor, Mr. Mavrides is here to my left -- your right. With me and to my right, your Honor, is Professor Terence Anderson, and to my left, also, your Honor, is Attorney Linda Carroll. She will be arguing the motion -- the portion of the motion to dismiss. In addition, looking around --

THE COURT: There are four motions to dismiss. Which are you referring to?

MR. HIRSCHHORN: She will be arguing the motion to dismiss Count I.

Your Honor, I keep looking around because Attorney Marsha Lyons, who assisted in the drafting of the motion to dismiss Count II, has been ordered to start picking a jury by Judge Scott at 10:15 this morning, however, I spoke to the State Court Judge Scott and prevailed upon him to excuse Miss Lyons until

about 11:30, so I am hoping she will get the message and come here.

THE COURT: Now, the Court has appearing for the Defendant Alcee L. Hastings, Mr. Hirschhorn, Mr. Hogan, Mr. Mavrides, is it?

MR. MAVRIDES: Yes, sir.

THE COURT: Professor Anderson?

MR. ANDERSON: Yes, your Honor.

THE COURT: And there was one other name, Linda --

MR. HIRSCHHORN: Linda Carroll.

THE COURT: C-A --

MR. HIRSCHHORN: -- R-R-O-L-L, your Honor.

THE COURT: And Ms. Carroll is an attorney in Miami?

MR. HIRSCHHORN: Yes, your Honor. I'm sorry. She is a member of the Florida Bar and practices here in Miami as does Ms. Lyons if she gets here.

THE COURT: And that name again Lyons is what?

MR. HIRSCHHORN: Marsha Lyons. L-Y-O-N-S. She is also a member of the Florida Bar.

THE COURT: M-A-R-C-I-A?

MR. HIRSCHHORN: Your Honor, M-A-R-S-H-A. I apologize. Her name -- Ms. Lyons and Ms. Carroll's names appear on the pleadings with respect to the motion to dismiss Counts I and II.

THE COURT: All right.

If there's nothing further from counsel in a preliminary

way -- yes, sir?

MR. HOGAN: If your Honor please, if you recall at the last hearing, we had the Government, pursuant to your order, transfer the sealed documents from Washington down here. Could we at this time on the Government's motion move to unseal the wire tap documents consisting of the affidavits, orders and supporting documents so that I might look at the originals?

MR. WEINGARTEN: No objection, your Honor, that's only one-half of the problem. We also brought down, pursuant to Court orders from this Court and from Judge Smith in Washington, the tapes themselves. It's a very big box of tapes. They are presently stored under the custody of the FBI and at some point counsel should be present when that seal is broken, too. It's our hope that counsel would be willing to travel to the FBI and that could be accomplished in the FBI so that this big box of tapes it would not be necessary to bring to Court and take up the Court's time.

THE COURT: Where is the FBI?

MR. HOGAN: 36th Street and Biscayne Boulevard.

MR. WEINGARTEN: A 10-minute ride from here, your Honor.

THE COURT: Any problem there?

MR. HOGAN: No, your Honor, I have no objection due to your ordering them to be unsealed in my presence. Any objections I make, I will make at a subsequent hearing.

THE COURT: Fine. All right. Then your request is

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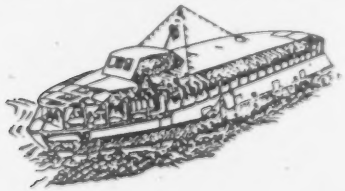

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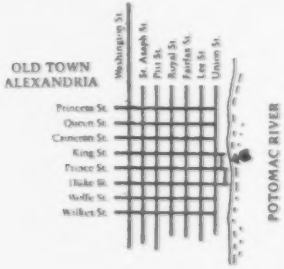

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granted. Is a written order necessary?

MR. WEINGARTEN: No, your Honor, I am certain it is not.

MR. HOGAN: No, your Honor.

MR. WEINGARTEN: Perhaps we could do this simultaneously with arguments.

MR. HOGAN: Just give me the documents.

MR. WEINGARTEN: Agent Foster, would you bring those documents forward?

THE COURT: Is there anything further in a preliminary way?

MR. WEINGARTEN: Your Honor, there are a few matters that will take a very short time.

We have some motions to file and responses and perhaps we could accomplish that now before the arguments.

THE COURT: Would this be to the so-called evidentiary motions?

MR. WEINGARTEN: Yes, a wire tap motion and, if I could, I would like to serve two copies on your Law Clerks.

MR. HOGAN: May I have the Agent come up, your Honor, so that we may enter this in as an exhibit that's to be sealed by the Court, and then I will take it and just look at it and return it.

MR. WEINGARTEN: I have no objection to that.

MR. HOGAN: That's the way it is supposed to be done.

THE COURT: May this be marked as Government's Exhibit A?

MR. WEINGARTEN: Yes, that would be fine.

MR. HOGAN: That's a composite exhibit.

THE COURT: And that is -- what is the exhibit?

MR. HOGAN: A composite exhibit containing, I suppose, the sealed original documents pertaining to the interception of Mr. Borders' law office and his home --

THE COURT: Phones, right?

MR. HOGAN: Yes.

THE COURT: Now, Mr. Weingarten, you have filed certain responses.

MR. WEINGARTEN: Yes, your Honor, we have now filed the Government's opposition to Defendant Hastings' motion in support of suppression of evidence obtained from electronic surveillance. Consistent with your previous order, we ask that this motion be filed under seal. This would also be consistent with the defendants' motion, having been filed under seal. I represent to the Court I have just provided copies of this motion to defense counsel.

THE COURT: Is there any objection to the request?

Hearing none --

MR. HIRSCHHORN: Excuse me, your Honor, excuse me. Could I have just a moment, please?

(Pause.)

MR. HIRSCHHORN: Your Honor, we no longer have an objection to the sealing order.

THE COURT: All right. Then there being no objection, the Government's opposition to the Defendant Hastings' motion to suppress electric surveillance evidence is received and will be filed under seal.

MR. HIRSCHHORN: No, your Honor, you misunderstood.

MR. HOGAN: We are changing our position, your Honor.

MR. HIRSCHHORN: I don't know what Mr. Borders' position is

MR. HOGAN: As far as the Defendant Hastings.

MR. HIRSCHHORN: As far as the Defendant Hastings is concerned, we no longer see a need for the documents with respect to the electric surveillance to remain under seal at this point. I don't know what Mr. Borders is going to do.

THE COURT: Well, to avoid delay, the document -- what is it you are filing, Mr. Weingarten?

MR. WEINGARTEN: Our response to their motion to suppress wire tap evidence.

THE COURT: And is that simply a written brief or --

MR. WEINGARTEN: It is a written brief with exhibits.

THE COURT: With exhibits. That will be received under seal. If defendants or the Government wish the seal removed, they may file an appropriate motion and the Court will hear them at a subsequent point.

MR. WEINGARTEN: In addition, your Honor, we have the Government's opposition to the motion to suppress physical evidence.

This is not filed under seal and at this time I would like to provide the Clerk with a copy, two copies to your Law Clerks and one copy to defense counsel for Judge Hastings and one copy to Mr. Shorter and Mr. Smith.

THE COURT: All right. The Court understands Mr.Weingarten has filed the Government's opposition to the Defendant Hastings' motion to suppress physical evidence seized from his judicial chambers and inner office?

MR. WEINGARTEN: Yes, your Honor.

THE COURT: And that consists of, I assume, a memorandum?

MR. WEINGARTEN: Yes, your Honor.

THE COURT: And exhibits?

MR. WEINGARTEN: No, no exhibits.

Finally, your Honor, last week we timely filed our opposition to defense motions for discovery and production with this Court and with defense counsel. We indicated that we would this week ask the Court by a motion to seal this document. We have not filed it with the Clerk of Court. At this time I would like to provide the Court with a motion to file our opposition to defense motions for discovery and production under seal and accompany that with an order. I note that defense counsel have no objection to this, your Honor.

MR. HIRSCHHORN: No. You want to file it under seal?

MR. WEINGARTEN: This is --

MR. HIRSCHHORN: I know what it is.

(Pause.)

MR. HIRSCHHORN: Well, your Honor, I take the position that I don't think it is necessary for it to be filed under seal. I have seen the Government's response. I don't know why it has to be under seal. I don't know what Mr. Borders -- I'm sorry -- I don't know what Mr. Shorter and Mr. Smith's position is but --

THE COURT: Is this to all of the motions or simply the blanket motion?

Well, the Government in its response -- the response you're referring to, Mr. Weingarten, is the opposition to defense motions for discovery and production in which you indicate your opposition to 16 motions, is that it?

MR. WEINGARTEN: Yes.

THE COURT: And you wish that filed under seal?

MR. WEINGARTEN: Yes.

THE COURT: And it contains -- has attached to it two exhibits?

MR. WEINGARTEN: Yes, your Honor.

THE COURT: Frankly, the Court questions that this is going to be particularly prejudicial.

MR. WEINGARTEN: Well, there's one section that we're concerned about. I had discussed this with defense counsel. I was under the impression that all parties were in agreement that it best be filed under seal so that --

THE COURT: Which section are you referring to?

MR. WEINGARTEN: On the 404 evidence, your Honor.

MR. HOGAN: Direct the Court's attention to the page.

MR. WEINGARTEN: It's argument 15, I believe.

MR. HIRSCHHORN: Your Honor, Page 15.

THE COURT: The Court would sense it would be appropriate that this remain under seal, Mr. Hirschhorn.

MR. HIRSCHHORN: I'm sorry, Judge?

THE COURT: The Court would suggest that this should remain under seal. It's really for the protection of your client.

MR. HIRSCHHORN: Well, at some point, your Honor, we're going to have to argue a Rule 404 motion this afternoon, or this morning, and unless you are --

THE COURT: Well at this point -- it's a little difficult, but these are -- I would think that you, Mr. Hirschhorn, would want this under seal.

MR. HIRSCHHORN: Well, you would think I would if they said anything. All the Government has done is paint with a very broad paint brush.

THE COURT: That's right. Well, do you want that? I mean -- well, this will remain under seal. The Court is referring to Pages 15 and 16, Paragraph Numbered 15. If defendant wishes to have the seal removed, you may file an appropriate request.

MR. HIRSCHHORN: The speculation on what is contained on Pages 15 and 16 --

THE COURT: Well, you are making it worse, Mr.Hirschhorn.

MR. HIRSCHHORN: The Government is by filing it sealed.

THE COURT: The Court will say there's absolutely nothing in here that is other than innocuous.

MR. HIRSCHHORN: I agree, and that's why -- the Government is moving to seal, not me. I didn't --

THE COURT: The Court has ruled.

MR. HIRSCHHORN: Yes, your Honor.

(Addressing Mr. Weingarten) Are you finished?

MR. WEINGARTEN: There's just one very small part --

THE COURT: Do you want the whole of this?

MR. WEINGARTEN: I thought that would be the easiest way to do it.

THE COURT: In light of the Court's ruling, is there any objection to sealing the whole of the document?

MR. WEINGARTEN: In light of the Court's ruling, no.

MR. SMITH: No, no objection, your Honor.

THE COURT: Then this order is signed.

The order and motion are filed.

MR. WEINGARTEN: The only other point, your Honor, so I don't forget, we received a copy of the amended severance motion from Defendant Hastings yesterday. Since we will next be in Court on March 1st, perhaps we could have one week from tomorrow to file our response?

THE COURT: The Court hasn't seen that motion. Was a

copy sent to my Chambers?

MR. HIRSCHHORN: Your Honor, I have it. I just handed copies this morning.

THE COURT: Oh, fine.

MR. HIRSCHHORN: We did not anticipate it would be argued today.

THE COURT: Yes, and the Court anticipated arguing it on March 1st, and the Court will have to prepare. A week from today would be next Tuesday -- next Wednesday, I mean.

MR. WEINGARTEN: Well, I was thinking if we got it to your Chambers by Thursday --

THE COURT: Do you want me to read it?

MR. WEINGARTEN: Yes, sir. Your Honor, we anticipate later, at the conclusion of the arguments, asking the Court to perhaps put off the suppression hearing until March 2nd. We do not believe it's going to be more than one day.

THE COURT: Yes, and that would be a motion that would be well received to avoid travelling on a Sunday.

MR. WEINGARTEN: Yes, exactly. We are hopeful that we can begin on Tuesday morning. If that's the case, if we got the brief to your Chambers on Thursday afternoon --

THE COURT: All right. The Government may have, then, until next Thursday, which is February 25th, for the filing of that motion, and will you have a copy in my Chambers, and if you have it ready ahead of time, it would help.

MR. WEINGARTEN: Okay.

MR. HIRSCHHORN: (Addressing Mr. Weingarten) Are you finished?

Your Honor, at this time I would like to file with the Clerk Defendants' reciprocal discovery inventory No. 1, a copy of which was served yesterday on the Government with the first portion of Defendant Hastings' discovery and also I will file at this time the amended motion for severance or relief from prejudicial joinder, copies of which were served on the Government yesterday and two copies were served on your Clerks.

THE COURT: Anything else?

MR. HIRSCHHORN: No, your Honor.

MR. HOGAN: Now, I have to be in the United States District Court, Eastern District of Michigan, tomorrow morning, your Honor. If you are going to hold the discussion on the electronics surveillance until last, I'm afraid I won't be here.

THE COURT: Well, the electronics surveillance motion is --

MR. HOGAN: That's for March 1st.

THE COURT: -- for hearing on March 1st.

MR. HOGAN: I thought you mentioned you were going to discuss something about it.

THE COURT: Before we recess this afternoon, Mr. Hogan, we will discuss exactly what we are going to hear on that week of March 1st and when we will start. Mr. Weingarten has suggested

Tuesday instead of Monday. Is there any objection to starting on Tuesday rather than Monday?

MR. HOGAN: No, sir.

MR. HIRSCHHORN: I don't have any, except I pointed out to Mr. Weingarten that on Thursday afternoon I have to catch a plane to be in Federal Court in the United States District Court for the Southern District of Illinois and I have got to be there.

THE COURT: Well, you had best arrange your schedule to accommodate this schedule, Mr. Hirschhorn.

MR. HIRSCHHORN: Well, then, I would like to keep it on March 1st, your Honor, because I had to do a lot to get the Federal Judge in Illinois to accommodate me there.

THE COURT. Who is the Judge?

MR. HIRSCHHORN: The Judge is Judge Foreman and -- the only reason the Government wants it March 1st --

THE COURT: Well, let's find out what's going to be involved but --

MR. HOGAN: All I'm saying is, your Honor, I can handle my motion to suppress, any evidentiary hearing, within an hour or an hour and 20 minutes. I will not be here this afternoon. The only thing I'm responsible for --

THE COURT: You are not going to be here this afternoon?

MR. HOGAN: I'm only responsible for the electronics surveillance in this case, your Honor. I'm not responsible for any other motions. I have to catch a plane to get to Detroit

tonight, and I have no objection to hearing it any day you see fit.

THE COURT: Mr. Weingarten, do you -- does the Court understand correctly that on the motion you are speaking of, Mr. Hogan, you say a one hour evidentiary hearing?

MR. HOGAN: At tops.

THE COURT: At tops. That's simply for the purposes of introducing the tapes and --

MR. HOGAN: I expect three live witnesses.

THE COURT: Three live witnesses?

MR. HOGAN: Yes.

THE COURT: Of what nature?

MR. HOGAN: Well, I'm going to bring an attorney from Washington that was in the law office, under the case I cited to you, to testify to the number of lawyers, the number of clients, that were intercepted and the invasion of the Borders' law office privacy as to whether or not the particularity and the minimization were sufficient. I intend to put on an Agent to show that the machine would allow them to listen without recording, and I intend to show that they listened without recording, which is an interception and violation of the minimization order. There may be one other witness.

THE COURT: And of what kind of nature would his or her testimony be?

MR. HOGAN: I don't know. I mean, if I knew, I would tell you. It's like the last hearing we had. You asked what

motions to be filed. I can't tell until I read the original documents and until I see original papers.

THE COURT: Do you really sense that three witnesses plus documents can be received in evidence in one hour?

MR. HOGAN: Absolutely. I don't waste time.

(Laughter)

THE COURT: The Government?

MR. WEINGARTEN: Your Honor, the Government will resist an evidentiary hearing and so states in its motion, but we will have any witness that Mr. Hogan asks for here and available to testify. We have discussed this and we're in agreement that if there's any evidence, it will be brief, and we also believe that the suppression hearing on any evidence that may have been received from Judge Hastings' Chambers will involve only a very few witnesses. If we begin Tuesday morning and only have those hearings plus an argument on severance, I can't imagine that we wouldn't be finished by the latest Wednesday afternoon.

THE COURT: All right.

MR. HIRSCHHORN: Well, I can see other matters coming up that have to be discussed, Judge.

THE COURT: Well, Mr. Hirschhorn, we will -- for the convenience of counsel who have to travel, and the Court, that hearing will commence on Tuesday, March 2nd, at 9:30 a.m.

MR. HIRSCHHORN: Very well, your Honor.

THE COURT: And we will do our best to protect you on a

Thursday afternoon commitment but --

MR. HOGAN: I don't expect to spend a lot of time arguing, your Honor. I wrote a 50-page memorandum. I expect to write a reply to this, and it seems to me you could get the gist of it from the memorandum. If there's some other points I especially want to make, I mean --

THE COURT: And as far as Mr. Hogan's concerned, we will anticipate an evidentiary hearing and since I will have to -- the Court will undoubtedly have to hear argument on the question of whether or not an evidentiary hearing is required or appropriate, the Court will anticipate at least half a day on your matter.

MR. HOGAN: All right, your Honor.

THE COURT: And you can be available on Tuesday, March 2nd?

MR. HOGAN: Certainly.

THE COURT: Good, and Wednesday, March 3rd?

MR. HOGAN: Sure. Thursday, March 4th.

THE COURT: Good. Fine. That's on the record.

MR. HOGAN: May I open this document now, your Honor? I presume it's unsealed so I can open it.

THE COURT: I don't know what it is.

MR. HOGAN: In front of Mr. Weingarten.

THE COURT: If there's nothing further in a preliminary way, let's proceed to the matters on the agenda, and the first motion to be argued is the motion of the Defendant Alcee L.Hastings

to quash the indictment and dismiss the proceedings for lack of jurisdiction. The Court, as previously indicated, has received, has reviewed with care, the memoranda submitted by counsel in support of and in opposition to this motion and has completed its own research and will now hear such evidence as counsel wish to present asking that counsel not simply restate what is set forth in their brief.

May I inquire as to how long counsel wish for argument? Professor Anderson?

MR. ANDERSON: Your Honor, I should think not more than 15 minutes and perhaps less on direct and possibly a short rebuttal.

THE COURT: Mr. Weingarten?

MR. WEINGARTEN: Mr. Richter will --

MR. RICHTER: It will be probably even less, your Honor.

MR. ANDERSON: Your Honor, my name is Terence Anderson. I am appearing specially on this motion. Two housekeeping matters if I might. We filed our memorandum in two parts due to logistical problems and accompanied the completed memorandum with the motion for leave to file late. I would ask -- from the Government's brief, I assume that they are working on the completed memorandum, but I would as a housekeeping matter ask the Court to grant that motion.

THE COURT: Well, the Court has been working on the completed memorandum.

MR. ANDERSON: Thank you, your Honor.

THE COURT: And the other one can be thrown away?

MR. ANDERSON: It may be thrown away except it contains an index of authorities that may be useful to the Clerks.

THE COURT: I found that, true.

And the motion for leave to file a completed memorandum of law exceeding 20 pages has been granted nunc pro tunc.

MR. ANDERSON: The second housekeeping matter, your Honor, I don't think raises a problem, but in light of some of the prior conversations, I want to disclose it. I am scheduled to fly out early this afternoon and I had thought at the morning recess, since my obligation is limited to this motion, that I would like to be excused. I can conceive of no issue on which I would be important other than the fact if the Court became concerned about the relationship between an interlocutory appeal, the severance motions and the motions on venue, but I think I can address that this morning in a way where we will all understand the defendants' position. Apart from that, I think once we have completed this morning, that the need for my presence is there and I would ask the Court's leave to withdraw.

THE COURT: No problem. I understand you're appearing only for the purposes of this motion.

MR. ANDERSON: That's correct, your Honor.

THE COURT: Right. Why don't you proceed then?

MR. ANDERSON: My purpose this morning can be satisfied

by three brief objectives. First of all, in large measure, the motion depends upon a perception of the factual background. As I read the Government's opposition to our motion, your Honor, I don't think we are in dispute on the underlying facts, but I would like this morning to get absolute certainty on that so if there were some need to file a supplemental record with newspaper clippings, and the other things, that we could achieve that. I don't want any question later arising as to whether the Court will take notice or whether the Government intends to seriously dispute the facts.

I would like to first outline this morning what I understand to be the undisputed facts and permit the Government to respond so that I may get some sense of where I stand on that.

Secondly, I would like to briefly allude to what I think are some of the misperceptions in terms of the nature of the situation which the Government raises in its brief.

And, finally, I would, of course, like to respond to any concerns the Court may have in the areas where research may not yet be complete.

On the factual issue, your Honor, I think it is a very simple situation, and I don't think there is a difference between the Government's and my position except as to the inferences we would draw from those facts. I take it clear, and I would hope the Court would take notice, based upon extensive publications, that prior to any investigation being initiated in this case, the

Honorable Alcee Hastings had, fortunately or unfortunately, established himself as a controversial Federal Judge. He had had matters, principally the immigration matters, but other matters as well, in which he had taken positions and issued rulings prior to any investigation or suggestion which were adverse to the declared policy of the Immigration authorities and the Executive Branch of the United States and at least two of those immigration decisions occurred during the -- prior to the investigation, but after the inauguration of the present Administration. I make this not because -- and the Government correctly notes as we noted in our motion -- that I am saying as a matter of fact that this indictment and prosecution was politically motivated. I am simply noting that conditions existed from which one might speculate as to whether there was any political motivation. So my first proposition, over which I think there is no disagreement, is that Judge Hastings' rulings had been such that counsel for the Executive Branch would have not sought him out as a Judge in certain kinds of matters.

My second clarification is that we do not in our motion, as the Government would characterize it, allege as a matter of fact that the prosecution was politically motivated. We simply note that given the background and the sequence of events of prior controversial history, adverse rulings of the Government followed by investigation and choice of indictment, is capable of supporting two inferences, one, that there was a political

factor, and, two, that it was in absolute good faith and the Justice Department is impleading in a well Chinese-walled set of compartments with the Public Integrity Section having no notion of what the Justice Department's Washington lawyers dealing with immigration matters are up to, and it is mere coincidence. Either interpretation is capable. It is critical to this case, however, that the fact will support either inference at this point in time at the pre-indictment, pre-evidentiary proceedings. I note in that connection as a matter of fact that the Government itself in its factual background has described the nature of the investigation and they have said that it was initiated only after reliable and corroborated information was received by the Government that co-defendant Borders was soliciting bribes in relationship to Judge Hastings. Those allegations were tested. There is no suggestion that there was a prior testing of allegations with respect to Judge Hastings. The factual distinction I will make, your Honor, would direct to a book which both sides cite, which has an unfortunate title, but nonetheless I think is central, namely the book "The Corrupt Judge." I submit that a review of every time the Executive Branch or indeed the Legislative Branch has sought out and brought to the attention of either the Congress or the courts action against a Federal Judge, there has been extensive independent basis, usually in the form of documentation, suggesting that there may have been some wrongdoing on the part of the Judge. My inference I draw from both everything I have

seen in the indictment and in this motion and our position that this may well be the lightest stimuli to an exercise of the executive discretion to prosecute that has ever occurred in the case of a sitting Federal Judge, and indeed we in the Government are warned that this is a case of first impression. I make that point because I would simply by way of argument rather than factual assertion ask the Court to ponder the reaction of the United States Attorney or the Justice Department had an informant with pending charges against him come forward and suggested that it were the Chief Judge of this Court, your Honor as the Chief Judge of Maine, my suspicion is the informant would have been in jail and the Court would have been promptly informed and the investigation would not have gone further. That is only speculation on my part. I label it as such immediately. I simply say it is one of the inferences.

THE COURT: Professor Anderson, this is a point made in your brief. I simply suggest that the question presented here is a constitutional question which apparently has never been resolved which is ultimately going to have to be resolved by the United States Supreme Court, possibly in this case, and one which is not dependent upon the specific factual record which might be developed with respect to Judge Hastings. I'm sure you're aware that if there was any discriminatory prosecution or overreaching by the Executive in the institution of these particular proceedings, there are other remedies available, and

indeed within the course of research here, reading an opinion of Judge Sear, I believe it was, in the Eastern District of Louisiana, which involved precisely that question, the distinction between entrapment and Government overreaching, and so forth, so that I suggest that the argument here should be addressed to the constitutional question which is presented by the two articles with which we are concerned in the United States Constitution as they apply to any sitting Federal Judge charged with misconduct in connection with his judicial conduct. In other words, I recognize the Kerner case -- the Isaacs case of Judge Kerner involved his activities prior to becoming a Federal Judge, and so forth, but you are also aware of what the Seventh Circuit held in that case.

MR. ANDERSON: Well, two points. I will, of course, shift, your Honor. The only reason is to make clear the factual distinction is the part I've emphasized and the other factual distinction --

THE COURT: Just, for example, I'm sure the U. S. Attorney in the District of Maine might well be concerned about many rulings I've made adverse to the Government in the course of a number of years, some of which he might feel quite strongly about.

MR. ANDERSON: I know. But simply this factual background, which I don't think is disputed, certainly it casts a different shadow on this case than Judge Kerner, where, as the Court noted his conduct as Governor was challenged and there was

no suggestion that he had been particularly a federal target in terms of his conduct. The constitutional question, however, derives -- and the narrow issue which I think confronts the Court -- derives from the fact that this prosecution goes to the heart of the judicial power. It is the exercise of the judicial power in United States v. Romano, be it legitimate or be it illegitimate, that the Government seeks to prosecute. The Government was the losing party in that case, and the Government has now come back and seeks to, in criminal prosecution, test the manner in which the Honorable Alcee Hastings exercised that power. That is the critical distinction in terms of the jurisdictional basis and the need for constitutional correction between this case and Judge Kerner's case.

The other critical distinction is the Honorable Alcee Hastings has raised it now, unlike Judge Kerner who went through a completed six-week jury trial, and for the first time came up with it on appeal.

I want, in that context, your Honor, to deal with the Government's argument where I think they confused the man, Alcee Hastings, as an individual who would be well protected in this Court in terms of his rights as a defendant, and Alcee Hastings as a Judge, by this motion seeks to protect the prerogatives of office, and indeed is intentionally risking the submission to a forum where the procedural safeguards would be less. We are not talking about Alcee Hastings as a man because

he is a Judge above the law. We concede that he is liable for violations of the criminal laws of the United States. We are talking about a question of timing. The motion here presents the Court with the difficult recusal question because simply as the discussion this morning has illustrated, you will be compelled on March 1st to decide issues pertaining to whether or not papers in a Judge's office are different in terms of the protections not under the search and seizure but under the terms of the need for judicial privacy and judicial privilege and immunity in the decision-making process. I take it you will decide the same thing with regard to wiretaps . In so doing, you will decide not only where Judge Hastings' door closes, but you will decide where Judge Gignoux and where every sitting Federal Judge's door closes to invasions by the Executive Branch. You will be defining the prerequisites of your own office and the prerequisites of that. I have no doubt that the Court can act to adequately protect Alcee Hastings as an individual from any unconstitutional invasions of his privacy, but in so doing, you will also be defining and ruling upon a matter which I would suggest under the Will standard raises a question of whether or not you are defining the prerogatives of your own office, and thus it is something where the impartiality of every Federal Judge might reasonably be challenged. The distinction here which the Government attempts to allied over is the distinction that the Constitution creates the alternate forum, the Legislative Branch, which precludes the application of

the doctrine of necessity. The Court is intimately familiar with these problems based upon its experience with the Judicial Code of Ethics and its knowledge of the Duplantier case and the Will case. I simply submit that the doctrine of necessity here does not provide the same avenue in entitling this matter to judicial resolution here as it did in Will and Duplantier and other cases where it has been applied.

The confusion between the office and the individual is critical. This has been viewed as a case where Judge Hastings is seeking to place himself above the law. He has not. It is a question of timing. But the Government's major practical consideration arguments are arguments that demean the Legislative Branch as a coordinate and equal branch. The Government tells us that we could hardly expect the Congress to take time from its busy schedule dealing with questions of economy to deal -- to exercise the power of impeachment which is solely vested in it by the Constitution. I suggest that demeans the political process. The Government informs us that in the exercise of the Legislative power, Judge Hastings may be unwarrantedly acquitted, that is, the forum to which the Constitution commits a determination of whether Judge Hastings has committed high crimes and misdemeanors in office, and to say that we ought to permit another door to prosecute it, we ought to be able to partially disqualify Judge Hastings and seek to remove him because we can't really trust the Congress to exercise its constitutional function, I submit is

unworthy of the Executive Branch of even a line of argument. The Executive Branch quite clearly worries that were the Legislative Branch or the House of Representatives to decline to impeach, then Judge Hastings might indeed be immunized during his term of office from the Executive Branch's exercise of prosecutorial discretion. I submit that is precisely the reason why we want the neutral branch of Government, the one not involved in direct clash here, to exercise the function of in effect a Grand Jury. The House of Representatives, if the Government's case is that strong, I can hardly believe would fail to exercise its function properly, and if in the exercise of that discretion, it determines the proceedings should end, then I submit the Constitution requires that they end at that point.

Finally, your Honor, the strongest -- or another strong practical consideration that the Government argues is that it will lose its tactical advantages if the prosecution of Judge Hastings is delayed until after the prosecution of Mr. Borders is completed. I submit that the Constitution does not by its terms provide the Government with tactical advantages and it is a mere function of the Rules of Criminal Procedure that we have adopted which may give them some tactical edges, but it is hardly a ground for deciding a separation of powers issue which is fundamental and critical to say that the loss of tactical advantage in a criminal prosecution is such grounds that we should pre-empt the Legislative Branch and decide the matter here.

Your Honor, we'll rest on our brief, except as the Court may wish additional materials. I will listen to the Government. I hope I have achieved my objectives.

THE COURT: Thank you, Professor Anderson.

Mr. Richter?

MR. RICHTER: Thank you, your Honor.

I tend to agree to a point that this is an issue of first impression, your Honor. It's obviously the -- fortunately I think in its implied statement in the terms of the judiciary in this country, as the first time a sitting judge has been prosecuted for in circumstances precisely like this. I think to the extent that the Constitutional issues are raised in this case, they are identical to the Kerner case and that it's only a first impression and that there's a slight variation in the facts. I think a reading of the Kerner opinion would indicate that virtually all the issues raised here were addressed, and with a rather broad brush, there, so while there is a slight change in the facts, while the Supreme Court has never ruled on this issue and so obviously it has not been definitively resolved, I think that we're really not talking about a completely clean slate. Professor Anderson, in talking about how the Government demeans Congress by its argument here, makes his argument in a backwards fashion. He states that we should trust Congress because that is the forum that the Constitution permits to hear these issues first. Well, that's the issue in the case. Is it the forum -- is

Congress the forum that the Constitution commits to hearing this case? The fact is that every bit of legal precedent we would have, every bit of legal authority, would indicate that it is not the exclusive forum. The Congress -- the Constitution says Congress may impeach a judge. It certainly doesn't say that the judge may not be tried first, and there is nothing in the Constitution or judicial precedent that would support that. So in arguing that Congress might not be the most appropriate forum to hear these cases first, we're simply stating that this is not a requirement that practical considerations should ingraft on it. We are not in any way denigrating an existing constitutional requirement.

I feel it unfortunately appropriate to respond very briefly to the factual considerations that Professor Anderson made first in which he says he doesn't allege that the prosecution was politically motivated but that the facts infer that it was. I would submit these are somewhat inconsistent positions, that any prosecution of a judge in any circumstances, as any prosecution of anybody, and particularly any political figure, there could be factors that one would point to to say it was politically motivated. As the Court pointed out, if a prosecution can in fact be proven to be politically motivated and not based on evidence and not properly brought, there are ample remedies to just throw it out on that grounds. It is certainly unnecessary to create an immunity. And I would have to respond -- I feel compelled to respond to say

that there's no evidence in this case that the Government was in any way motivated by Judge Hastings' rulings. Obviously Judge Hastings' rulings are a matter of record. We don't dispute how he ruled in any case. The fact is that this prosecution was grounded in rather clear criminal allegations and there's absolutely no evidence to indicate otherwise.

In arguing --

THE COURT: As you point out in your brief, Mr. Richter, the investigation started prior to the adverse rulings in the Romano case at that time.

MR. RICHTER: That is correct. At the point the investigation started, every material ruling in the Romano case had been favorable to the Government. The defendants had been convicted at a jury trial, had received a substantial jail term and the forfeiture had been everything the Government had asked for, and it was at the very end of the investigation, the culmination -- the order that Professor Anderson implies motivated this prosecution was important, as I point out in the papers, because this was the event that Mr. Borders had received the bribe for and had promised would occur. In arguing that this case is significant because it is prosecuting an exercise of the judicial power, again it's difficult to respond to that, your Honor, because if it was a prosecution for exercise of the judicial power, it would be an improper prosecution. The simple answer is it's not such a prosecution, and maybe as a question of semantics or intuition

how it wants to be characterized, and if the Court wanted to view it as such, it would be difficult to argue against it. I would simply state that the indictment in no way indicates that this is a prosecution against a legitimate exercise of judicial power. In fact, it is quite to the contrary, and in terms of precedent in that regard, the identical arguments were made in the Brewster case where Senator Brewster alleged that what was being done in that case where he was prosecuted for receiving a bribe for official acts was that the Executive Branch was delving into the motivation of Congress by prosecuting him for bribery as to why he voted for or against, why he took certain official actions, and the Supreme Court in the Brewster case resoundly dismissed that argument.

In terms of practical considerations, your Honor, the one argument that Professor Anderson pointed to was that we would lose a tactical advantage. That's certainly a minor argument that we made, and I think he turned it around. It's not that we would lose a tactical advantage, it is that Judge Hastings would gain a tremendous tactical advantage by having to go through the impeachment process, and again that's only one of several practical arguments that we make. I think in understanding the practical considerations, and really I think that's all the defense has to go on, because certainly there's a total void of legal authority for that position, is to consider what would happen if in fact his position was adopted? And again I'm not

certain from his brief whether he's saying we can't indict the Judge, whether we can't investigate the Judge, and the position shifts throughout his memorandum, but assuming that we cannot undertake the sort of investigation we did, what is our responsibility? What occurs when an informant walks into the Government's office and says, "Mr. Borders is soliciting bribes for Judge Hastings". What do we do at that point? Do we run up to the counsel for the House Judiciary Committee and have him undertake an investigation? The fact is that if there's going to be an effective investigation using undercover techniques, using electronics surveillance in an appropriate fashion, the only way it is going to be done is if the Government -- is if the Executive has the power to do that, and again what if it is ruled that there's no jurisdiction in this case? It means that there's a forced severance of the defendants, obviously. It means that if in fact there is a trial held in Congress, all the various political considerations that are so heavily objected to by defendant in terms of the motivation for the prosecution become in fact a legitimate part of the proceeding in Congress. There's nothing really to stop members of Congress from saying, "I don't like the way Judge Hastings rules on various cases, so I am going to vote that he be impeached. I'm going to accept this evidence." All that comes in. In a trial, it doesn't come in. As a practical matter, if the defendants' motion is granted, there would be countless number of proceedings in this case. There's the Grand

Jury proceedings we already had. There would have to be a trial of Mr. Borders. There would have to be a lengthy impeachment proceeding in the House. There would have to be a lengthy removal trial in the Senate. Then Judge Hastings would be tried. In essence, we would be going through four or five separate trials instead of the normal Grand Jury proceeding and the trial. And I think that whether it's characterized as disparaging the will or ability of Congress, it seems fairly clear to me as an intuitive matter, and again the Judge will have to -- the Court will have to decide that for itself -- that the practical realities of political life on Congress are such that if all these matters were left to Congress to investigate and prosecute, they would effectively have created an immunity from crime for Federal Judges, and I would say that in the absence of any legal authority to do so, and there is an absence of any legal authority to do so, every single practical consideration would compel a denial of defendants' motion here.

If the Court has no further questions, that completes my argument.

THE COURT: Thank you, Mr. Richter.

Professor Anderson?

PROFESSOR ANDERSON: If I might just take a few minutes, your Honor.

First, I again am nervous about the factual background. We do not claim that the Romano decision was the adverse ruling

that precipitated the Government. Judge Hastings had in the matter of National Council of Churches of Christ v. Immigration and Naturalization Service, starting in 1979 when he assumed the case, extended and modified injunctions against the Executive Branch. In the case we cite, the Louis v. Meissner, he had, prior to -- and well prior to -- in June issued rulings which foreclosed --

THE COURT: But the Court has tried to make clear, Professor Anderson, it does not regard this as an issue which is dependent upon a particular situation involving Judge Hastings. Now the Court can accept, in addressing the constitutional question involved which we all recognize is one the Supreme Court's eventually going to have to decide, the Court accepts that there is potential for abuse by the Executive, whether it is Judge Hastings or some other judge in some other part of the country that the prosecutor for some reason doesn't like or the Administration wants to get rid of. That potential is there. The Supreme Court is going to have to determine on the basis of the Constitution whether that was a risk which the framers contemplated, anticipated and were prepared to accept.

MR. ANDERSON: Your Honor, my response --

THE COURT: It hasn't happened yet as far as we're aware. One President, possibly, almost impeached for probably political motives but -- I am referring to the first President Johnson, not the more current President.

MR. ANDERSON: My response was precipitated solely by your question to Mr. Richter regarding to the timing in the Romano case. I didn't want to have any confusion as to at least what our position was.

Another point that it seems to me required response is Mr. Richter's challenge to what happens if our position is adopted, and I simply have to put that around and say, what happens if it is not, in order to make clear the constitutional distinction between this case and Brewster. The Government concedes in a footnote that there is a real problem of partial disqualification. The recusal standard would lay a basis in any action to which the United States was a party when and if Judge Hastings resumes the bench, the Government would have a basis and Judge Hastings would have to, on his own motion, consider the question of whether there were reasonable grounds to challenge his impartiality. That is a fact they conceded and they claim --

THE COURT: Well, that's going to be even more real. If the Government is going to have await impeachment proceedings --

MR. ANDERSON: He will not be on the bench.

THE COURT: -- it's going to be months and years. He won't be on the bench.

MR. ANDERSON: We will distinguish between the temporary disqualification which any judge of good sense, I submit, would undergo and could be required to undergo while the House or while this Court is considering, that's a temporary pre-disqualification.

The point I wish to focus on is the assumption that if Judge Alcee Hastings is acquitted either in the Congress or by this Court, at that point he will be a sitting Federal Judge entitled to resume the bench. At that point, if the factual disputes have been resolved in a bitter foray between the Executive Branch and Judge Alcee Hastings, an individual, any more than if I had a bitter resolve with my mortgage company and later took the bench on, there would be a reasonable grounds for the Government in any sensitive case to say, "Your Honor, given your experience with the Executive Branch and its attorneys, we must ask you to recuse yourself on the grounds your impartiality might reasonably be challenged." I submit that is a serious issue.

In this District, as in many districts, the Criminal Docket and the Civil Docket, especially in hearing immigration matters, is such that --

THE COURT: The Court is aware of this, Professor Anderson. Still you are arguing facts.

MR. ANDERSON: Your Honor, Mr. Richter suggested practical considerations. The point, I suppose, to bring it down to its bottom line, is that if a Congressman is convicted, there still is a removal function. He may cast his ballots. There is no 28 U.S.C. 455 standard applicable to a Congressman. If a judge is tried, even if he's acquitted, his ability to function as a judge is substantially impaired, and I think that is a distinction --

THE COURT: Just since you raised the question, the Court

suggests that regardless of whether this follows the criminal process or the impeachment process, and regardless of the outcome, whether it is acquittal or conviction, there's a problem as to whether this particular Judge could sit properly in any future case involving the Government under Section 455, either way.

MR. ANDERSON: I think with respect to Judge Hastings you are correct. I think in other cases, had the Attorney General, as was suggested by Mr. Richter, when it acquired its evidence simply submitted to the House Judiciary Counsel as has been done by prior Attorneys-General, that disqualification would be vastly less clear.

THE COURT: Well, it would be a nice question under 455, right?

MR. ANDERSON: I think here the question is clear that would be a nice one.

THE COURT: Thank you. Anything further from the Government?

MR. RICHTER: Nothing, your Honor.

THE COURT: The matter before the Court is the motion of the Defendant Alcee L. Hastings to quash the indictment and to dismiss this proceeding for lack of jurisdiction. The Court has received and had the benefit of competent briefing by counsel for that defendant and counsel for the United States and of the oral arguments which the Court has just heard. The Court has had the benefit of completing its own research and particularly of

reference to the only appellate decision -- the only court decision -- treating of the question here presented which is, of course, the opinion of the United States Court of Appeals for the Seventh Circuit in the case involving United States Circuit Judge Kerner, U. S. v. Isaacs, 493 F.2d 1124, 1140-44 (7th Cir.), cert. den., 417 U.S. 976 (1974).

The Court will be filing, within the next few days, a memorandum opinion setting forth its views. For present purposes, the Court will state simply that it is persuaded, as was the United States Court of Appeals for the Seventh Circuit, that the United States Constitution does not forbid the trial of a Federal Judge for criminal offenses committed either before or after the assumption by him of judicial office and that this Court has jurisdiction to try the defendant in the present case. The Court recognizes that the -- so far as the research of counsel and the Court's own research discloses -- this is the first instance in which a sitting Federal Judge has been criminally prosecuted for acts alleged to have been committed in the course of discharging his official duty.

In the Isaacs case, the criminal conduct with which Judge Kerner was charged did not involve the performance of his official acts as a Judge. The Court of Appeals in that case, however, squarely held that the Constitution does not prohibit the criminal prosecution of a Federal Judge prior to his impeachment, and, as indicated, for reasons which the Court will set out

more fully in the memorandum which will be filed within the next several days, this Court agrees. The instant motion is denied. The Court will enter, during the course of the day, a brief order dening the motion for reasons to be set forth in the memorandum opinion which will be filed. This is a question, a constitutional question which, as the Court has indicated, has not been resolved by any -- by the United States Supreme Court, which is, of course, the final arbiter. The Court senses that the order which the Court will be entering today is an order, or will be an order, which is appealable as an interlocutory appeal under the analogy to the Cohen doctrine, most recently discussed by the United States Supreme Court in Helstoski v. Meanor, 442 U.S. 500 (1979). In the event this order is to be appealed, the Court's understanding is the appeal period is 10 days. If an appeal is to be taken at this time, the Court will change the general character of the case. The Court inquires, Professor Anderson, as to whether it is anticipated that an interlocutory appeal will be sought on this order?

MR. ANDERSON: Yes, your Honor. It is my understanding, and I would certainly, in light of the Court's ruling, consult, but as of half an hour ago, it is my understanding the intent is to take an interlocutory appeal.

THE COURT: I can't hear you.

MR. ANDERSON: Our intent is to take an interlocutory appeal and ask for a stay of prosecution. I will verify that that

intent continues at 10:35, but that was the intent at 9:45.

THE COURT: If that is to be the position, that would render it -- make it wholly unnecessary for the Court to rule upon some 15 or 16 other motions filed by this defendant at this time.

MR. ANDERSON: Your Honor, may I be granted 10 minutes to consult.

THE COURT: And the Court would then, undoubtedly, depending on what the position of the Government was, and counsel for Defendant Borders was, simply prepare this case for trial as against the Defendant Borders on the date previously indicated.

MR. ANDERSON: Perhaps if the Court took its mid-morning recess now, I could come back and verify that in fact there will be an appeal filed which may simplify the Court's docket.

THE COURT: That would certainly seem to be appropriate.

MR. HIRSCHHORN: Your Honor, before you do that, I understood you to say that you would be entering an order today and an opinion later or --

THE COURT: The order denying the Defendant Hastings' motion to quash the indictment and dismiss the proceedings for lack of jurisdiction will be entered following this 10-minute recess. The memorandum opinion, which is in draft form, predicated upon the very splendid briefs, and so forth, will be filed some time next week. Essentially, as Professor Anderson is undoubtedly aware, the analysis of the Isaacs case is, in this Court's view,

persuasive, but the Court does recognize that the Supreme Court of the United States will have the final say and that Court has disagreed with this Court on a limited number of occasions, but that's probably only because many of my rulings don't reach the Supreme Court of the United States.

MR. HIRSCHHORN: Your Honor, the reason I ask is because of the time period under Rule 4(b) when the 10 days runs. Theoretically, it runs from the date of the entry of the written order, but if you are following it up by a memorandum opinion --

THE COURT: The written order is being entered today to assure that the time period -- 10-day time period -- does begin to run today.

MR. HIRSCHHORN: Okay.

THE COURT: And that is so that we don't have the problem of getting into the middle of March and then suddenly deciding or suddenly finding out that we only have one defendant left to try.

MR. HIRSCHHORN: Thank you, Judge.

THE COURT: The Court will then take its mid-morning recess at this time for 10 minutes -- would 10 minutes be sufficient?

MR. ANDERSON: 15, if I could, your Honor.

THE COURT: All right. For 15 minutes.

(Recess taken from 10:37 o'clock a.m. to 10:59 o'clock a.m.)

HARRY B. DERRY
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
PORTLAND, MAINE

THE COURT: Good morning again, Counsel.

The Court has executed and is filing with the Clerk at this time the order to which the Court referred denying Defendant Hastings' motion to quash indictment and dismiss proceedings for lack of jurisdiction for the reasons set forth in the memorandum and opinion to be filed with this order. The Court has additional copies of the order which can be distributed to counsel if they so desire.

And, Professor Anderson?

MR. ANDERSON: Your Honor, Judge Hastings apparently is a little bit nervous, sir, and is out walking. I have not been able to talk to him directly. My own understanding, in talking to counsel, is that there will be an appeal filed. That is the best I can do now.

THE COURT: Incidentally, should the record reflect that both defendants have personally been present in Court during the prior proceedings?

MR. HIRSCHHORN: Judge Hastings is not here, your Honor.

THE COURT: Was he present during the argument?

MR. HIRSCHHORN: No, your Honor.

THE COURT: He hasn't been here at all?

MR. HIRSCHHORN: You had, if you recall, said he did not have to attend except --

THE COURT: That is correct. I just wanted the record to show.

HARRY B. DERRY
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
PORTLAND, MAINE

Is Mr. Borders present?

DEFENDANT BORDERS: Yes, your Honor.

THE COURT: Thank you, Mr. Borders.

What, then, is the position of the United States?

MR. RICHTER: Your Honor, the question of whether the denial of the motion is appealable, I think, is a close question. I think the Government can and will argue that it's not appealable, although I would certainly concede that there is some strong authority that it would be, but I certainly -- the Government's position always wants to discourage piecemeal interlocutory appeals, and I think we have a pretty good argument against it here. In any event, that will not stop the defendant from appealing even if the issue of appealability is the only issue that goes up, it will delay the trial.

THE COURT: And that argument is to be made to the Court of Appeals?

MR. RICHTER: I recognize the fact that if it's their intention to appeal, there's no question it will delay the trial of Judge Hastings. Our position, in terms of whether that should affect a severance, your Honor, would simply be that we think that would be rather inefficient. That's my understanding, and again this is subject to someone with more knowledge of the bureaucratic procedures of the Eleventh Circuit which are probably not fully established at this point, but I see no reason why an expedited appeal would not be possible in this case, particularly

if both sides wanted to follow that procedure. I assume the Lleventh Circuit has some procedure whereby you could certify the issue for expedition and they could decide it and such that it could be done within a matter of weeks or a couple of months and there would be no good reason to sever out Defendant Borders if that were the case. We are saying it would be inefficient to try the case twice. I don't really see what would necessarily be gained.

THE COURT: The Court anticipates, based on limited research, by analogy to the Helstoski case and the double jeopardy cases with which you are familiar.

MR. RICHTER: Yes, your Honor.

THE COURT: I believe the leading one was Abney v. U.S., 431 U.S. 651 (1977), that in all likelihood this is an appealable order. In that event, before it's processed and determined in the Court of Appeals, we could anticipate months, I assume.

MR. RICHTER: I know in certain Circuits they are capable of doing an interlocutory appeal in a matter of under a month or two.

THE COURT: And then, of course, there would be, I would assume, whatever the ruling may be, there would be a petition for certiorari.

MR. RICHTER: But that doesn't stay the proceedings here. The Supreme Court would have to stay the proceedings, and it is my understanding they will almost never do that regardless of the

issue.

THE COURT: You mean assuming that the ruling of this Court --

MR. RICHTER: Were affirmed or denied, if it is denied, it is academic as to whether the trial would go forward.

THE COURT: That you would then want to proceed with the joint trial?

MR. RICHTER: I believe that's done very frequently. Whenever there's an interlocutory appeal, I think that's generally what happens, the Appellate Court will deny the motion and a cert. petition is filed, but the trial pro[illegible] and I'm not aware of --

THE COURT: In a double jeopardy situation, for example?

MR. RICHTER: That's what happens in a double jeopardy situation, your honor. In other words, there's no guaranteed stay of proceedings.

THE COURT: Well, we are talking about months.

MR. RICHTER: Well, I don't know that. That is the question. If we were talking about many months, then obviously it becomes a question of Mr. Borders getting a speedy trial, but I don't think we are talking about many months here.

THE COURT: Do you think that the present Judges of the Eleventh Circuit will sit on this appeal?

MR. SMITH: I'm sorry, Judge, I couldn't hear you.

THE COURT: I'm sorry. I was simply inquiring, and of

course Mr. Richter can't possibly provide the answer, that the Eleventh Circuit Judges might recuse themselves as the Seventh Circuit Judges did in Isaacs and the Chief Justice would then have to designate a panel of three Circuit Judges from elsewhere.

MR. RICHTER: Were that the case, your Honor, I'm sure it could and would be expedited further. You would have a panel solely for the purpose of hearing that case and, based on my experience with the specially designated panels, they can generally move a lot quicker than the regular panel that's going to hear it as one of five cases on an argument list. I mean, that's the way your Honor is moving this case along more expeditiously than is normal because, you know, you are basically specially designated to --

THE COURT: I have a few matters back in Maine which are being neglected at present.

MR. RICHTER: I think it's wonderful. In other words, I think if that were what they did, and they well might because in the eventuality Judge Hastings remained on the bench, they would have to continue to hear his appeals. I'm not certain what they would do. It would not slow it down.

THE COURT: Professor Anderson, you were on your feet?

MR. ANDERSON: Your Honor, my knowledge of the Eleventh Circuit is certainly less than your Honor and probably less than Mr. Richter's. I don't know the nature of the expedition. My assumption is the same as the Court, that it is going to be a

matter of several months. It is my understanding should the Eleventh Judicial Circuit agree with your Honor, that there would be a petition for certiorari filed. I am not in agreement with Mr. Richter that in a case of this nature that the Supreme Court would necessarily tolerate further proceedings, but I cannot represent to the Court from any --

THE COURT: Now, along with the notice of appeal, Professor Anderson, you will be filing a motion in this Court for stay of further proceedings as against the Defendant Hastings?

MR. ANDERSON: Yes.

THE COURT: Under Appellate Rule 8, is it?

MR. RICHTER: Your Honor, possibly rather than decide this in what is a kind of a vacuum of whether or not it could move fast some procedure could be established whereby your Honor -- certainly the Government wouldn't object -- could make an inquiry of Chief Judge Godbold, or the appropriate person, simply as to the availability of an expedited procedure and how long it would take, because again if they are willing to expedite it, it would seem a shame to try Mr. Borders on March 22nd and then start a trial against Judge Hastings on April 15th.

THE COURT: Well, Mr. Shorter, I assume that you have some position on this?

MR. SHORTER: Well, I do, your Honor. My understanding of an interlocutory appeal where one is accorded under a very narrow area cut out by the Supreme Court in the Helstoski case

and in the Abney case, the very purpose of the interlocutory appeal is to not to have the trial. That's the whole sense of the rationale.

THE COURT: Of the particular defendant involved.

MR. SHORTER: Right, right, until that particular question has been decided.

THE COURT: Right.

MR. SHORTER: So the trial proceedings cannot be ongoing in the District Court where an appeal is allowable under those very, very narrow circumstances as delineated by the Supreme Court in the Abney case and McDonald case, the speedy trial question. It's a speedy trial question where there's an appeal.

THE COURT: Well, Mr. Shorter, I understand insofar as Judge Hastings is concerned, proceedings in this Court will be stayed until the Circuit has acted one way or the other. Now insofar as Mr. Borders is concerned, he is entitled, under the Speedy Trial Act, to the disposition of these charges, and the Court is prepared to proceed, subject to the views of counsel, on the schedule previously established, which would be a trial on March 22nd, which is within the 70 days, I believe, provided by the Speedy Trial Act. The real question that the Court must ask you is whether the Defendant Borders wishes this matter to proceed or wishes that the proceedings be stayed with respect to him until the status of Judge Hastings has been resolved?

MR. SHORTER: We do not propose, your Honor, to waive

any of Mr. Borders' rights under the Speedy Trial Act, Sixth Amendment, Fifth Amendment or whatever.

THE COURT: All right. Then we will proceed as planned and, Mr. Shorter, before you sit down, I want to be sure I understand.

MR. SHORTER: I'm sorry, your Honor.

THE COURT: The Court understands that, as counsel for Mr. Borders, you wish this trial to proceed as previously set on March 22nd regardless of what happens with respect to Judge Hastings?

MR. SHORTER: That is correct, your Honor.

THE COURT: All right.

MR. RICHTER: Again, your Honor, I think it might be possible to, with an expeditious appeal, to still maintain Mr. Borders' speedy trial interests. You know, I think we are deciding in somewhat of a vacuum in that regard.

THE COURT: Well, we will proceed -- I'm sorry, Professor Anderson?

MR. ANDERSON: I just want to interject, your Honor, before Mr. Richter had suggested that the Court might inquire of Chief Judge Godbold now the expedition would be accomplished. Ordinarily I wouldn't object, but since recusal is a major issue here, I think it might be inappropriate to put the Chief Judge in the position of having to make administrative decisions subject to reversal when the entire Court decided it should not have gone

that way.

THE COURT: You suggest that this Judge should not contact Judge Godbold, right?

MR. ANDERSON: That would be my suggestion, your Honor. Ordinarily I would have absolute confidence but given the --

THE COURT: This Court suggests that counsel might contact Judge Godbold.

MR. HOGAN: He has never taken my phone calls in the past, your Honor.

THE COURT: Well, the Court suggests that if Mr.Richter and Professor Anderson, or Mr. Hirschhorn, or whoever it is, contacted him together -- I don't think there should be any unilateral communication -- he can then determine what should be done. In light of Professor Anderson's position, I would be reluctant to call him and ask him.

MR. RICHTER: Very well, your Honor.

MR. HIRSCHHORN: Your Honor, may I address this issue a little further, and mostly the trial date if I might because --

THE COURT: Well, you are not involved in the trial at all at this point. Just Mr. Shorter.

MR. HIRSCHHORN: I understand. Here's my problem, or what will become a problem. The Eleventh Circuit has very specific rules on preferance to be given and, for example, in the Romano -- the Government has filed a writ of mandamus against the Southern District of Florida arising out of the Romano order

which is part and parcel of this indictment. We just filed our answer -- I had to divert a week's energy to filing an answer in the Eleventh Circuit. In the Eleventh Circuit, they accepted the fact that the Government's petition for writ of mandamus was entitled to preferance and expedited treatment and then set it for oral argument with the plenary appeal by Romano which might be months from now so -- and, in addition, it's very confusing, and I apologize and I'm trying to give you the synopsis. This relates to -- I have to give you this explanation before I can get back to my request. The Government in Romano, in the writ of mandamus involving the Romano matter, took the allegations of the indictment in this case as its factual statement in the Eleventh Circuit, and we now have -- and the Eleventh Circuit entered an order directing the respondant to file an answer, so there are some real questions about recusal of certainly that panel of the Eleventh Circuit and possibly the entire panel of the Eleventh Circuit.

THE COURT: Well, how does this relate to this case?

MR. HIRSHHORN: Because I don't want to call Judge Godbold. There have been too many --

THE COURT: This Court -- nobody seems to want to call Judge Godbold and presumably Judge Godbold will read the paper. I assume the Miami Herald, is it, will have something about this, and there will be a notice of appeal and papers going up from here, and Judge Godbold will have to tell us how to proceed.

MR. HIRSCHHORN: If that was an order, I will do it. If it was a suggestion, I will respectfully decline.

THE COURT: There's no order by this Court that anybody contact Judge Godbold.

MR. HIRSCHHORN: The other issue, Judge, is I have gotten a great deal of cooperation from every judge that I have cases before to set aside all my cases so I could concentrate on the March 22nd trial date. Now I can try these other cases because, if I understand your order, we are severed out, but what if -- what if, Judge -- the Eleventh Circuit somehow does an expedited appeal and on March 15th -- I don't know that they will be able to -- but on March 15th enters an order. Are we back on your trial calendar for March 22nd?

THE COURT: This case is going to be tried on March 22nd. At the present time the only defendant would be Mr. Borders. If something happens between now and March 22nd which returns Judge Hastings to this case, we will proceed on March 22nd. So that you had best protect yourself.

MR. HIRSCHHORN: Fine.

THE COURT: It's very difficult for me to conceive that the issue involving Judge Hastings will be resolved between now and March 22nd, roughly four weeks from now, but if it is, we will proceed as we had planned.

MR. HIRSCHHORN: Which means that we have to argue the rest of the motions today?

THE COURT: This Court would be without jurisdiction if the Court understands correctly. A notice of an appeal has been indicated and that would deprive this Court of jurisdiction.

MR. RICHTER: I assume the notice of appeal would have to be filed. I'm not sure the defendant --

THE COURT: Well, it is a somewhat futile act for this Court to proceed to determine all these motions filed by Judge Hastings when a notice of appeal is going to be filed within the next few days. So nothing would be accomplished.

MR. HIRSCHHORN: I find myself on the horns of a dilemma. You're saying correctly that if a notice of appeal is filed, you have no jurisdiction to rule on the motions, but I'm still supposed to be ready for trial March 22nd.

THE COURT: Well, Mr. Hirschhorn, this is what -- was it President Roosevelt -- referred to as an "iffy" question. We don't know. I'm just alerting you, though, that matters could develop in a manner where you would have to be on trial March 22nd.

MR. HIRSCHHORN: I don't mind being on trial March 22nd. I would rather be on trial March 22nd, but I need to have my pre-trial motions heard and resolved; that's the problem.

THE COURT: Right. And in the event this case comes back from the Circuit, the Court will set a prompt hearing on these motions which you have filed. The Court is prepared to rule on them now as a matter of fact if it would assist anybody.

MR. HIRSCHHORN: I think it would as long as no notice --

THE COURT: Do you wish to argue them or will you submit on your papers?

MR. HIRSCHHORN: Well, there are some I will submit on the papers, Judge. I think we're going to be able to get through all the motions today, but I think as long as no notice of appeal has been filed, it would probably be helpful to everybody in terms of discovery -- discovery and other matters -- if we can go as far as we could go before the notice of appeal is filed today.

MR. RICHTER: I would have no objection to that, your Honor. We're here and ready to argue. Certainly if they would waive any potential jurisdictional attacks to the Court. I don't think because the notice of appeal hasn't been filed yet, this Court still has jurisdiction. If this motion had been heard last, you certainly could have ruled on all the other motions. The fact that you have denied one motion doesn't divest you of the jurisdiction. It would be the filing of the notice of appeal which has not been done yet, and indeed Mr. Anderson, it is my understanding, did not make an unequivocal statement -- there's definitely --

MR. ANDERSON: It's become unequivocal since the last time I spoke. The Judge has now phoned in and said that his position as of 11:10 is that we are to appeal and file a motion.

THE COURT: And you will be filing a notice of appeal?

MR. RICHTER: Well, he can file it right now or he can

wait until we finish.

MR. ANDERSON: Your Honor, I will file the notice of appeal simply as quickly as I can prepare it. It will be within a day or two. I'm flying out this afternoon, but one of my colleagues or Mr. Hirschhorn, if they will indulge me, it will be filed.

THE COURT: And a motion to this Court for a stay of further proceedings as against Judge Hastings?

MR. ANDERSON: Yes, sir.

THE COURT: Should that not be done today?

MR. HOGAN: It has to be done within 10 days certainly.

MR. ANDERSON: Your Honor, we will expedite it, but if remaining counsel can agree, if they would prefer to have the Court proceed until the jurisdictional action has been taken, I have no voice in those motions and --

MR. HOGAN: Your Honor, he finds himself on the horns of a dilemma. Unfortunately, I am attached to a different part of the bull.

(Laughter.)

MR. HOGAN: I don't expect to be here on March the 1st for an evidentiary hearing when you're not going to have [illegible] jurisdiction at that time. I will file a reply [illegible] the Government's memorandum just as a matter of course, but I'm not going to be here for some evidentiary hearing where you can't rule on my motion. Is that my understanding, your Honor, once you lose

jurisdiction, you couldn't rule on the motion?

THE COURT: Once a notice of appeal is filed, this Court is without jurisdiction period, and the only question for this Court is whether it is not a complete waste of time to rule on all these discovery motions filed by Judge Hastings' counsel when we know it's going to be some period of time before it's back in this Court, if at all.

MR. HIRSCHHORN: Your Honor, I agree with you. I just want to be ready for trial and have my case in a proper posture.

THE COURT: Well, Mr. Hirschhorn, I know you are a busy counsel, and other counsel are busy. The Court's busy. And, as the Court has indicated, I see very little likelihood that this matter will have been resolved at the appellate level prior to March 22nd, but if it is resolved prior to March 22nd, you should anticipate that that's a date when you may have to be available. All right. Now let's --

MR. HIRSCHHORN: Your Honor, how can I be available for trial if there hasn't been rulings on pretrial discovery motions?

THE COURT: Mr. Hirschhorn, you are just chewing away at a bone here which is wholly unnecessary. The Court will rule on the pretrial motions before the trial obviously and as soon as this case comes back to this Court from the Court of Appeals, a date will be set for hearing and argument on these motions.

MR. HIRSCHHORN: All right.

THE COURT: I question the rationality , frankly, of

ruling on -- let's say a motion for a pretrial James hearing, for example, which you are asking for, and we don't know if there's going to be a trial.

MR. HIRSCHHORN: I agree with that, but there are some which the Court --

THE COURT: Right, and you have motions for production of Government witnesses for interview by the defendant and for Brady/Agurs material, and, well, you know what you have, and we don't know if there's going to be a trial.

MR. HIRSCHHORN: But if there is, Judge -- I appreciate your patience -- if there is a trial, I just want enough time between the time you enter an order granting, for example, a Brady motion for that to have some significance to me in terms of being able to utilize the information the Government turns over prior to trial and certainly not two days before. That's all I am saying, Judge. I am going to keep March 22nd open.

THE COURT: Yes, but you're arguing way on out -- we don't know what's going to happen. Let's see what happens. All I'm putting you on notice is that you had better protect yourself as far as March 22nd is concerned. Maybe on March 22nd we will be hearing these motions, but we have you committed for that March 22nd and just from past experience, I know that if we release that date, you will get involved in a thousand other things, and we won't be trying this case until next Christmas.

MR. HIRSCHHORN: I agree, but what am I going to do when

the papers report the trial Judge stays Hastings' case and I have to tell another Federal Judge I am still not available March 22nd?

THE COURT: You tell him that. You tell them Judge Gignoux said that, right?

MR. HIRSCHHORN: Yes, sir.

MR. WEINGARTEN: Your Honor, there are some motions which were filed by Mr. Shorter.

THE COURT: I understand that.

MR. SHORTER: Your Honor, could I address the whole host of motions that were filed by co-counsel representing Judge Hastings? We, of course, assumed, and of course, were prepared to say to the Court, that insofar as Judge Hastings' motions were applicable to us, particularly the discovery types of motions, that we would adopt them. Now that also would say to your Honor that as to those motions, since they had been prepared by Judge Hastings and his staff of attorneys, we had looked to Judge Hastings' attorneys in a joint pretrial proceeding, such as the one we had come here prepared for today, that those attorneys would carry the laboring oar on that set of motions. As I now look at the list, your Honor, there's certainly motions on here that in no way apply to us and to which -- when I say "us", I mean Mr. Borders --

THE COURT: Mr. Shorter, I appreciate your problem. Normally I would have anticipated that you would have filed a motion adopting all of the Hastings' motions.

MR. SHORTER: Yes, that would have been our position.

THE COURT: And the Court will accept that.

Is there any objection?

MR. WEINGARTEN: No.

THE COURT: Fine. Let's go down the list.

MR. SHORTER: All right.

THE COURT: The first motion we have is a motion filed by Judge Hastings and Mr. Mavrides, a motion to dismiss indictment or issue order of civil contempt against the Department of Justice. That would appear to be a motion which --

MR. SHORTER: We have no interest in.

THE COURT: -- which you have no interest in, so that that will be passed.

There's a motion by Judge Hastings to dismiss Counts I and II of the indictment for failure to allege crimes. Do you wish to argue that?

MR. SHORTER: I don't wish to argue it, but I would certainly adopt that motion.

THE COURT: All right. That's adopted.

And the Court will hear oral argument if anyone wishes to argue it. It has been submitted on written submissions. The Court has reviewed the indictment and the submissions, completed its research, and if you are prepared to submit the motion on the papers, the Court is prepared to rule.

Mr. Shorter?

MR. SHORTER: Yes.

THE COURT: Right. Now, we have a problem -- is this ruling to apply -- do you wish to argue this motion, Mr. Hirschhorn? There are several motions which Mr. Borders is adopting.

MR. HIRSCHHORN: Yes.

THE COURT: Now, the Court -- do you want the Court to rule -- do you wish the Court to rule on these motions insofar as they would apply to Judge Hastings, also?

MR. HIRSCHHORN: Not without me arguing them or having argument presented to properly represent my client.

THE COURT: All right. Written argument has been submitted by you. Do you wish to argue orally?

MR. HIRSCHHORN: There are certain matters we do wish to argue orally.

THE COURT: All right. The motion before the Court is a motion to dismiss due to failure to allege a crime. The Court will hear you.

MR. HIRSCHHORN: We are prepared to argue on that, your Honor, on a portion of that, and submit the rest.

THE COURT: The Court will hear you.

MR. HIRSCHHORN: Your Honor, we will submit Count II on the memoranda. Ms. Carroll will argue Count I, your Honor.

THE COURT: Now, excuse me. Is there any objection to this procedure?

MR. WEINGARTEN: No, your Honor.

THE COURT: All right. So the record is clear, the Court has permitted the Defendant Borders to adopt those motions previously filed by the Defendant Hastings and the Court is hearing argument in support of and in opposition to those motions on behalf of both defendants and the United States.

MR. SHORTER: All right. Your Honor, I want to make it clear. We don't adopt all of the motions and, if we had a chance to go through the list, I could tell you and perhaps save some time as to which ones we don't --

THE COURT: Fine. Let's go down the list.

All right. The motion to dismiss Counts III and IV, of course, is your motion.

MR. SHORTER: Yes.

THE COURT: Early production of grand jury testimony?

MR. SHORTER: We adopt that one, your Honor, and I think the papers --

THE COURT: All right. The special motion for disclosure of information pertaining to multiple grand jury investigations?

MR. SHORTER: We don't adopt that one, your Honor.

THE COURT: You don't adopt that one.

Pretrial James hearings?

MR. SHORTER: We have our own motion for that and so we have made a motion --

THE COURT: I know you have.

MR. SHORTER: We have filed a written motion.

THE COURT: But I don't think there's any, insofar as Mr. Borders is concerned --

MR. SHORTER: We don't have the same problem that Judge Hastings has on this motion because, as I understand it, your Honor, there is not to be any statements that were made by Judge Hastings that the Government is going to seek to use as evidence against Mr. Borders or that the Government will seek to offer -- evidence of conspiracy except the statements that were generated through the wiretap.

MR. WEINGARTEN: I'm not sure that's entirely correct, your Honor.

MR. SHORTER: Well, perhaps we will hear the Government's statement.

THE COURT: Well, when we come to that -- you're still pressing the motion which you filed for a James hearing?

MR. SHORTER: Yes.

THE COURT: The motion for change of venue?

MR. SHORTER: Yes.

THE COURT: And then the discovery-related motions I have down there?

MR. SHORTER: Bill of particulars, we would adopt that one, your Honor; to preserve evidence, we would adopt that one.

THE COURT: Well, the Government has preserved --

MR. SHORTER: Government Agents to retain rough notes, we adopt that one, your Honor; (d) we do not adopt; discovery and

production, we adopt that one, your Honor; Brady/Agurs materials, we adopt that one; (g) we adopt; (h) we adopt; (i), of course; (j) we adopt; (k) we would adopt; (l) we would adopt; (m) we don't adopt.

THE COURT: You don't adopt that?

MR. SHORTER: No, sir. I doubt that it would be granted anyway.

THE COURT: And you filed a motion?

MR. SHORTER: Yes. (10), we don't adopt.

THE COURT: All right. Now --

MR. SHORTER: As to the ones that were filed by Judge Hastings' attorneys that I have indicated we would adopt, we would submit on the papers as filed by Judge Hastings.

THE COURT: On all of them?

MR. SHORTER: Yes.

THE COURT: Fine. Thank you very much.

Mr. Shorter --

MR. SHORTER: Yes, your Honor.

THE COURT: -- the motions you filed yourself were a motion to dismiss Counts III and IV on Speedy Trial grounds? Do you submit on the papers on that, also?

MR. SHORTER: There were just a couple of authorities that we might want to refer to, your Honor, by way of argument that would not be extended, no more than 10 or 15 minutes.

THE COURT: All right. Well, what the Court will do will

be to call each motion down the line and hear argument on behalf of any -- any oral argument that Mr. Shorter may wish to present, any argument which counsel for Judge Hastings wishes to submit and then we will proceed in that fashion.

Is that acceptable to the Government?

MR. WEINGARTEN: Yes, your Honor.

THE COURT: All right.

The Court reminds counsel that the Court has reviewed the papers, has reviewed the memoranda submitted, and oral argument need not be extensive.

On the list, the motion to dismiss indictment or issue order of civil contempt against the Department of Justice filed by Mr. Mavrides on behalf of Judge Hastings. Mr. Borders is not adopting that motion. The Court will pass that until we know whether Judge Hastings is to be tried in this Court.

Item 3, the motion to dismiss due to failure to allege crimes, and I believe that's the point at which Ms. Carroll was going to address us.

MS. CARROLL: Your Honor, I would only be presenting argument as it pertains to Judge Hastings. I was not -- and in fact my motion is not addressed to any argument as it would pertain to Mr. Borders.

THE COURT: Well, isn't it an attack on the conspiracy count?

MS. CARROLL: It's an attack on the conspiracy as it is

drafted but only as it pertains to Judge Hastings, your Honor. It is not an attack on the indictment as it pertains to Mr. Borders. I have no authority to make any argument on behalf of Mr. Borders.

MR. SHORTER: Perhaps there's some confusion, your Honor. If that motion is granted as to Judge Hastings, then I think it would clearly signal that there's no conspiracy as to Judge Hastings, how could there be one as to us?

THE COURT: Well, the Court will hear Ms. Carroll and whatever argument she is making on behalf of Judge Hastings.

MS. CARROLL: Are you going to hear all of the arguments we have for Judge Hastings? I am just confused, your Honor. Whatever your pleasure. But a moment ago I thought you were indicating you did not want to hear arguments as pertains to Judge Hastings until the ruling on the --

THE COURT: All right. The Court will hear any argument either defendant wishes to present with respect to the motion filed by the Defendant Hastings, adopted by the Defendant Borders, to dismiss Counts I and II of the indictment due to failure to allege crimes --

MS. CARROLL: Thank you, your Honor.

Your Honor, perhaps maybe I could best restate what it was I just said that I would be presenting argument as it pertains to Judge Hastings. As the Court is probably well aware, the Supreme Court in Dennis v. United States at 384 U.S. 855 in 1966,

stated that, and I'm quoting from Page 86: "We agree that indictments under the broad language of the general conspiracy statutes, specifically, 18 United States Code 371, must be scrutinized carefully as to each of the defendants charged because of the possibility inherent in a criminal conspiracy charge that its wide net may ensnare the innocent as well as the culpable." And it is essentially because of that particular language that we are requesting the Court to look at the indictment as it pertains to Count I, and that is the focus of my entire argument, and specifically scrutinize it carefully as it pertains to Judge Hastings, and again that is the thrust of the entire argument that we presented in our motion to dismiss, because as the Court went on to note in Dennis v. United States, it reached the conclusion in that case that the indictment was proper because, as the Court observed in that case: "The conspiracy was properly charged with the required specificity and allegations of the culpable role of each participant."

Now, the argument on behalf of Judge Hastings as to Count I is essentially that the Government has failed to provide the appropriate facts, if you wish to call it that, to charge or to show that Judge Hastings participated in any fashion in a conspiracy. As your Honor is well aware, an indictment must provide a defendant with sufficient notice of the nature of the charges. That's a constitutional protection of all defendants. Rule 7 of the Rules of Criminal Procedure specifically provide

that an indictment must be a plain, concise and definite written statement of essential facts and that again that is the thrust of the argument on behalf of Judge Hastings, that the indictment here, as it pertains to him, is fatally defective, because the indictment before the Court, specifically, Count I, does nothing more than essentially track the statutory language. It alleges that beginning on or about September the 10th, 1981, to on or about October the 9th, 1981, Judge Hastings did willfully and knowingly conspire, confederate and agree.

Your Honor, other than to track the statutory language, the indictment does not give any information to Judge Hastings as to that which he is charged to have accomplished or done. Now, the significance of this --

THE COURT: Do you have Page 2 of the indictment?

MS. CARROLL: Yes, I have, your Honor.

THE COURT: It sets out very specifically what the charge is. That Mr. Borders and Judge Hastings conspired and agreed to ask, solicit, receive and so forth --

MS. CARROLL: I think it is interesting, your Honor, on that particular language, where again they are just tracking the statutory language provided in Title XVIII, Section 201(c)(1), which, as your Honor is aware, is the bribery statute which allegedly Judge Hastings conspired to violate, if you look further on on Page 2, particularly Paragraph 5, when it is alleged as to what the object of the conspiracy is here. The indictment reads

that Mr. Borders and Judge Hastings would agree to receive money. Now, I think that is significant, your Honor, because if you go back to the top paragraph on Page 2 where the statutory language of the bribery offense is alleged, or where it is alleged that there was a conspiracy to violate the bribery statute, that statute particularly requires that the -- states that the individuals corruptly conspired to ask, to seek, to solicit, to accept, to receive and to agree to receive.

Now the statute for bribery says it is a violation if one agrees to receive. It is a present agreement with a future event, perhaps the taking of money. But if you look at Paragraph 5 of the indictment itself, it doesn't say that Judge Hastings and Mr. Borders agreed to receive, it specifically says they would agree. Again there is still no present agreement by the very language that the Government used in drafting this particular indictment. There is no facts set forth to substantiate that there was any agreement. The mere tracking again or repeating the similar type of language "agreeing to conspire" does not set forth any particular fact, and I would call the Court's attention to Russell v. United States where in that particular case the Supreme Court at 369 U.S. 749, and specifically at 764, said, and I quote: "Where guilt depends so crucially upon such a specific identification of fact, our cases have uniformly held that an indictment must do more than simply repeat the language of the criminal statute." Again the Supreme Court went on at

755 in the Russell case, "It is an elementary principle of criminal pleading that where the definition of offense includes generic terms, it is not sufficient that the indictment shall charge the offense in the same generic terms as in that definition, but it must state the species. It must descend to particulars."

And that in fact is what the Court was talking about when, as I earlier mentioned, it discussed the general conspiracy statute in the Dennis case, where in Dennis they stated in that particular case that the conspiracy as charged set forth the required specificity as to the culpable role of each participant. We really do not have that specificity or that descending to particulars, as the Court noted in the Russell case, in this particular indictment, particularly as it pertains to Count I. All we have here is a regurgitation, if you wish, your Honor, of statutory terms. There is no specificity of fact upon which Judge Hastings has any notice as to what he is to defend against. There is no specificity as to any particular fact as to what Judge Hastings could raise should the Government try to indict him for some other alleged offense that he allegedly committed if they just regurgitate again the statutory language. It is totally devoid of the specificity that is required. Nowhere here is there any specificity of anything Judge Hastings did other than he had dinner, the overt act on Page 4, specifically, No.2: "On or about September the 16th, 1981, in the Southern District of Florida, Defendant Alcee L. Hastings had dinner at the

Fontainbleu Hotel on Miami Beach."

There's nothing in that overt act. There is no specificity of fact that would support any conclusion -- a conclusion that the Government would like to argue when they set forth certain things on Page 3 in a conclusory fashion, but there is no conclusion from which they can support any allegation or assertion --

THE COURT: Why do you just pass right over on Page 3, Paragraph 9(c) and on Page 4, Paragraph 9(f), which very specifically allege what it was agreed that Judge Hastings would do?

MS. CARROLL: Your Honor, may I point out that these are all conclusions. If you wish, the Government is concluding that since Judge Hastings had dinner on September the 16th, because he had a simple meal at the Fontainbleu Hotel, they are drawing or suggesting that the conclusion is that this was pursuant to an agreement. But you cannot start with a conclusion and work backwards. The Government has to set forth --

THE COURT: Well, Ms. Carroll -- excuse me -- the indictment alleges that the defendants agreed that certain things would be done. One was that Judge Hastings have dinner at the Fontainbleu. Another was that Judge Hastings would issue an order returning a portion of the property owned by the Romano brothers. A third was that Judge Hastings would resentence the Romanos. Now, it's an agreement. It's an allegation and very

specific as to what they agree to do.

MS. CARROLL: Your Honor, I would submit that what is contained in Page 3 --

THE COURT: And then it goes on -- excuse me -- it goes on under overt acts to allege the specific overt acts, that Judge Hastings did at least one of these overt acts and Mr. Borders did a number of others.

MS. CARROLL: Your Honor, I find it confusing, if you wish, that under the overt acts where they specify something that Judge Hastings did, it simply states that he had dinner. If the Government was alleging as a fact that he was having dinner by prearrangement or at a site selected by one of the Romanos, they didn't put that in here. What I am saying, your Honor, is Page 3 is nicely tucked in there with conclusions and nothing more. There is no factual basis for these particular conclusions. To say that this conclusion is a fact belies the question because they did not set forth as a fact that there was an agreement. These are just conclusions after the fact. We see Judge Hastings having dinner; therefore, we are going to conclude that it was pursuant to some prearrangement or agreement. There is still no allegation of fact.

All that the Government has done in this particular instance is to track statutory language and in fact not even to track the statutory language appropriately, as we pointed out, and I won't belabor it, in the motion. The allegations on Page 2 state

that they conspired corruptly to ask, etc., and then they go on to say, or the indictment goes on to say, "directly or indirectly". Well, which way is it? Is it directly or is it indirectly?

THE COURT: They agreed both ways. They agreed -- the indictment, as the Court reads it, charges that the agreement was that they would receive, either directly or indirectly, sums of money for these purposes.

MS. CARROLL: As we have cited to --

THE COURT: One agreement, one agreement. That's the offense. Remember it's a conspiracy which is charged. One agreement to do several things.

MS. CARROLL: Your Honor, the Government has failed to put forth either facts or to draft this indictment within the statutory language such that Judge Hastings is put on appropriate notice as to that which he is called upon to defend.

THE COURT: All right.

MS. CARROLL: Unless you have any specific questions, I will rest on the rest of the motion.

THE COURT: Thank you very much. Mr. Weingarten?

Oh, first, I'm sorry, Mr. Shorter, do you wish to add anything?

MR. SHORTER: No.

THE COURT: I couldn't hear you, sir?

MR. SMITH: No, your Honor. Excuse us.

MR. WEINGARTEN: Your Honor, the Government will be very

brief on this motion. We would submit that this is anything but a bare bones indictment that tracks the statutory language. We note that 18 USC, Section 371, contains two paragraphs, and Count I extends to five pages. It's a classically drafted conspiracy count with descriptive paragraphs beginning the count, a complete description of the charging language contained in Paragraph 4, Paragraph 5 through 9 are a complete description of the conspiracy involved and alleges acts by Defendant Hastings and the rest of the indictment contains overt acts.

Rich detail is provided in this indictment, far more than is necessary or required by Rule 7. For that reason, I can't imagine how an argument could be made that the indictment doesn't allege sufficient facts or sufficient allegations.

Finally, we would add that in a conspiracy count, all that is necessary to put the defendant on notice is reference to the object of the conspiracy. If we had alleged that the crime charged in Count I is conspiracy and simply indicated that the object of the conspiracy was 18 USC, 201, without further description, that would be sufficient. Instead, we specified how 201 came into play and, for that reason, I think our allegations concerning the object of the offense are more than adequate.

THE COURT: Thank you, Mr. Weingarten.

Anything further?

MS. CARROLL: Nothing further, your Honor.

THE COURT: The Defendant Hastings' motion, also adopted

by the Defendant Borders, to dismiss Counts I and II of the indictment due to failure to allege a crime is denied. The Court will file, during the course of the next several days, a written memorandum which will be brief. Essentially, the Court is convinced that Counts I and II of this indictment meet the standards prescribed by the United States Supreme Court in such cases as Hamling v. U.S., 418 U.S. 87, 117 (1974), and Russell v. United States, 369 U.S. 749, 763-64 (1962).

As the Court stated in Hamling, supra, an indictment is sufficient if it first contains the elements of the offense charged and fairly informs a defendant of the charge against which he must defend and, second, enables him to plead an acquittal or conviction in bar of future prosecutions for the same offense. Counts I and II of the present indictment clearly are sufficient under these criteria.

With particular reference to the oral argument which has been made with respect to Count I, the Court of Appeals for the Fifth Circuit has held that a Section 371 conspiracy indictment, which this Count alleges, is sufficient if it alleges "an unlawful agreement and the commission of at least one overt act by at least one of the conspirators." United States v. Evans, 572 F.2d 455, 483 (5th Cir.), cert. den. sub nom., Gent v. United States, 439 U. S. 870 (1978). See, also, United States v. Cuesta, 597 F.2d 903, 917 (5th Cir.), cert. den., 444 U. S. 964 (1979).

Count I, in the view of this Court, plainly satisfies the

standards set forth in those cases. The conspiracy charged is described in great detail. The Count alleges the necessary corrupt agreement, specifies the offenses which defendants are alleged to have agreed to commit, describes the objects and the scope of the conspiracy and lists not just one but six overt acts alleged to have been committed by the defendants in furtherance of the conspiracy and cites, as required by F.R. Crim. P. 7(c)(1), the statute, 18 U.S.C., Section 371, which the defendants are alleged to have violated. No more than this is required.

The next motion is a motion of the --

MR. WEINGARTEN: Would your Honor excuse me, please. I think Defendant Borders only waived argument as to Count II. We would ask the Court to rule on Count II as well, if possible.

THE COURT: The Court has ruled on the entire motion. It only specifically addressed Count I because that was the specific count to which Ms. Carroll argued.

MR. WEINGARTEN: All right. Thank you, your Honor.

THE COURT: The next motion on the list is the motion filed by the Defendant Borders to dismiss Counts III and IV of the indictment for violation of the Speedy Trial Act. The Court has reviewed the file, the memoranda submitted by counsel, completed its own research and will hear such argument as counsel may wish to present at this time.

Mr. Shorter?

MR. SHORTER: At the outset, your Honor, we would like to

advise the Court that we are in possession of a transcript of the proceedings before Judge Oren Lewis that were held in the Eastern District of Virginia on October 30th, 1981, which sheds a great deal of light on one of the factual areas, one of the major factual areas, that is a part of the fabric of this case, and I would like to inquire through the Court of counsel whether or not they also have a copy of the transcript?

(Other counsel indicated in the negative.)

MR. SHORTER: Well, we would feel, your Honor, that a reading of what transpired at that hearing, and I will indicate the importance of those proceedings as I go through the argument that I am going to make, but I would say, your Honor, that a reading of this transcript is vitally important to an understanding of one of the key points that we make in our motion and that is what took place before Judge Lewis in the Eastern District of Virginia when the Government went to the Court and sought an extension of time.

THE COURT: He denied the motion.

MR. SHORTER: He denied the motion but the statements of counsel and the interplay between the Court and counsel is very illuminative as to what the Government's reasons were and what the Government was seeking to do in making that application. But I'll fit that in when I reach that point as I outline what the facts in this matter are.

THE COURT: The Court has the facts well in hand.

Mr. Shorter, and the only issue the Court sees here is as to whether the applicable provisions of the Speedy Trial Act is Section 3161(b), as you assert, or Section 3161(d)(1) as the Government asserts.

MR. SHORTER: I would say, your Honor, that --

THE COURT: And as you are aware, the District of Columbia Circuit and Judge Joiner in the Eastern District of Michigan, very squarely held that the applicable section of 3161(d)(1) which in terms permits the Government, after a complaint has been dismissed against a defendant, to file another complaint or to file an indictment or information charging the same offense and provides that applicable time periods run anew from the filing of the subsequent complaint, information or indictment. That's precisely what happened here.

MR. SHORTER: Well, I think your Honor has correctly grasped what the nub of the issue is insofar as the Government's position and the defendants' position on the question of whether or not Counts III and IV should be dismissed. It all hinges on an interpretation of Section 3161(d). Now the question is whether or not everything that precedes before the dismissal of the complaint or the indictment, or whatever, is just completely wiped out insofar as the Speedy Trial Act is concerned and whether or not the proceedings, that is, the tracking, begins anew, from the point of the reindictment or the filing of the indictment is the question that's basic to a resolution of this motion. We, of

course, point out that Rule 3161(b) is unequivocal in its terms, absolute in its language, when it says that "an indictment should be filed or must be filed within 30 days after arrest" and we feel that the interpretation accorded that particular section by Judge Ritchie also in the District of Columbia at the District Court level, and also by several of the opinions that we have cited in our memorandum, particularly the Koch case, the Quillen case, the cases in our memorandum, your Honor, which are set out at, I believe it's the last page of the argument, beginning on Pages 6 and 7. The Ford case decided in the District of Columbia District, the Koch case decided by the District Court in the Southern District of New York, the Quillen case decided by the District Court in Tennessee and, most significantly, your Honor, the case decided by Judge Maxwell in the District Court of West Virginia in 1981, the Iaquinta case which was heavily relied on by Judge Ritchie in the Ford case.

All of these cases, your Honor, firmly establish that you don't ignore all of the proceedings or all of the time that has passed from the date of the arrest until the date that the complaint has been dismissed, that that time has to be taken into account insofar as the Speedy Trial Act is concerned. Counsel for the Government has referred to cases that are contrary to those cases. We don't think that because there is a body of law or that there are jurisdictions, your Honor, that are different or have holdings that are different from the authorities that we

cite, that that makes that the law. We think that there has to be an analysis of the statute, that is, Section 3161(b) and we also have to look at the interplay of Section 3161(d) as against (b).

Now, our analysis of Section 3161(d) is to the effect that the tolling -- there is no tolling of the period from the date of the arrest until the date that the complaint is dismissed. That period of time is not excluded insofar as the Speedy Trial Act is concerned. The Speedy Trial Act clearly on its face says that an indictment shall be returned within 30 days. If the indictment is not returned within 30 days, then under Section 3162, the indictment is subject to be dismissed.

Now if we're going to say or interpret 3161(d)(1) to hold that a period of time where the complaint has been dismissed, where there are no charges against a defendant, is absolutely tolled regardless of what the circumstances are, then the Government's position is correct, but I think that -- and the cases certainly support this approach -- that one has to look to the reason for the dismissal. What was the reason for the dismissal? What was the period of delay in between? And in this case, it's significant to consider precisely what happened in terms of the facts, in terms of the history of the case.

Mr. Borders, since your Honor is aware of the facts, will recall, was arrested on October 9th. He had a preliminary hearing on October 29th and on the very next day, the Government went to

the District Court and asked the District Court to extend the time in which to return an indictment against Mr. Borders, and in that proceeding, your Honor, and we have indicated this in a motion, not in as much detail or with as much clearness as one could get from reading the transcript, the Government went before Judge Lewis and said, "We've arrested Mr. Borders. We have had a preliminary hearing and there's a grand jury in Miami, Florida, that's conducting an investigation on charges against Mr. Borders and also against a judge there that relates to the charge that we filed against Mr. Borders here, and we would like to have a 45-day extension of time because the investigation is a complex one." Judge Lewis said, "Well, is it the Government's intention to return an indictment in this jurisdiction?" Mr. Weingarten, who was representing the Government at that point, was not specific as to what the Government's intentions were at that point, and as the proceedings went on and the Judge began to narrow it down, Mr. Weingarten was still not definite as to what the Government's intentions were, and Judge Lewis accordingly denied the motion.

Now, at that point, your Honor, the Government was seeking to extend the time to get an indictment, was perfectly willing, your Honor, to let the situation stay as it was in terms of Mr. Borders' being under the disabilities of an arrest, under bail, under bond, and whatnot, and actually sought to have that situation continue. When it was clear the Court was not going to

permit that to happen, the Government then in an ex parte fashion, by its own motion, filed in the District Court, asked the District Court to dismiss the case, and the Court, acting on this request, without considering representation from the defendant, and perhaps -- I don't know to what extent Judge Bryant was aware that the Government had been before Judge Lewis seeking an extension of time -- but he granted the Government's motion and dismissed the complaint.

Now, the Government argues that everything that happened before then is now wiped out in terms of calculations made under the Speedy Trial Act, and we submit, your Honor, that that can't be so, because the dismissal that was entered by the Court was done, your Honor, at the request of the Government, and we would argue was done on grounds that are implicit in the Speedy Trial Act, that the Government went before the Court making a request to dismiss the case because they could not comply with the requirements of the Speedy Trial Act.

Now, in the legislative history of the statute under consideration, the particular section under consideration, the Congress adverted to a situation where the Government would not be permitted to obtain an unfair advantage against the defendant insofar as the application of the Speedy Trial Act is concerned and dismiss cases -- start them afresh -- only, your Honor, to get an advantage over the defendant and because the Government could not comply with the Speedy Trial Act and that's exactly the

situation that we have here. What the Government is arguing is, well, that time should be excluded. We could not comply with the Speedy Trial Act, and we clearly say that we couldn't comply with it when we go before Judge Lewis and ask him to extend the time. Judge Lewis promptly said, "Well, I don't have the authority to extend the time. If you want an extension of time, you should do that in Florida. I cannot extend the time for a Grand Jury sitting in Florida to act," and therefore, your Honor, the Government later goes in and they are seeking an extension of time for Speedy Trial Act reasons, and then to come before the Court and say, "Well, that should not count against us, that time should be excluded because there are cases that say that if we can't make the time, then we dismiss the complaint, well then we have the right to start over," completely ignoring the fact, your Honor, that there are cases that say the exact opposite thing and absolutely ignoring the fact, your Honor, that the Speedy Trial Act does not contemplate the Government dismissing cases, starting them anew, simply in order to gain an advantage over the defendant and simply because the Government cannot comply with the provisions of the Speedy Trial Act. There is a provision, your Honor, in the Act that permits the Government, upon good grounds consistent with its inability to comply with the Speedy Trial Act, to seek an extension of time. That was done in this case, and it was denied, and for that reason, your Honor, the time that the complaint was dismissed should not be tolled. It

should be counted, your Honor, against the Government, and the Government has in this case failed to return an indictment within the 30 days.

The indictment in this case was returned some 82 days after the defendant's arrest which is a clear violation of the provisions of Section 3161(b). And for that reason, your Honor, the sanctions mandated in Section 3162, that is, dismissal of the indictment, should be ordered by this Court for the Government's failure.

THE COURT: Thank you very much, sir.

Mr. Weingarten?

MR. WEINGARTEN: Your Honor, the decisive distinction to be made between the cases we cite and the cases Defendant Borders cites is the fact that before the 30 days expired, we went to the Court and filed a motion to dismiss and before the 30 days was up, Mr. Borders was no longer under the disability of an arrest for any proceedings thereupon. I think that distinction leads us right into 3161(d)(1) which enables the Government to start again for purposes of the Speedy Trial Act when it files an indictment. Mr. Shorter recites the facts almost exactly as we would have recited the facts. After the preliminary hearing, it was apparent to the Government that it was a complex grand jury investigation, and we were not prepared to indict within 30 days, and we went to the Court for an extension. It was denied.

At that time, we had two choices, to move to dismiss or

to file an indictment improperly before we were prepared, so we moved to dismiss, and we submit that 3161(d)(1) provides authority for us to do so.

THE COURT: Thank you, Mr. Weingarten.

MR. SHORTER: Could I just say one thing, your Honor.

We do have a transcript that we would willingly submit to the Court which shows --

THE COURT: Well, if you wish to file further papers in connection with this motion, they should be delivered to the Clerk and marked appropriately.

MR. SHORTER: That I will do, your Honor.

Your Honor, all of the cases that the Government cites do not present the distinction that the Government says exists between its cases and our cases. In the Peters case, your Honor, the complaint was dismissed more than 60, 45 or 30 days after the arrest, and the distinction, your Honor, insofar as the Government points to that as a distinction, it was not filed before the statutory period for indictment had been filed, if your Honor understands what I'm saying.

In the Peters case, your Honor, the District of Columbia Circuit Court case, the complaint was dismissed more than 45 days after the date of the arrest and the Government has said that -- and the Court of Appeals said, well, it doesn't really make any difference.

THE COURT: Well, this strengthens the Government's

position here.

MR. SHORTER: Well, I don't think that it does, your Honor.

THE COURT: The problem with the Ford case is that Section 3161(d) wasn't even addressed by the Court there.

MR. SHORTER: In which case, sir?

THE COURT: In the Ford case on which you rely.

MR. SHORTER: 3161(b) was addressed, not 3161(d)(1).

THE COURT: Was not addressed?

MR. SHORTER: No.

THE COURT: And this Court is persuaded, as was the Peters court and Belleville, that in the circumstances here presented, a complaint having been dismissed 29 days after the arrest, the applicable statutory provision is 3161(d)(1) and that is clear not only from the language of the statute but from a legislative history which is detailed at great length by Judge Joiner in the Belleville case.

The Defendant Borders' motion to dismiss Counts III and IV of the indictment for violation of the Speedy Trial Act is denied. The Court will be filing a brief memorandum and order.

The next motion is the motion to compel the early production of all Grand Jury testimony filed by the Defendant Hastings and adopted by the Defendant Borders. Again, the Court has received and reviewed the motion and supporting material filed by counsel for the Defendant Hastings, the Government's opposition to this

motion, and the Court has completed its own research and will hear oral argument if counsel wish to present it at this time.

Mr. Shorter?

MR. SHORTER: Could I inquire through the Court of the Government as to when it proposes to turn over to the defense the Jencks material and the Grand Jury transcript?

THE COURT: Their response indicates 7 days, I believe, prior to trial.

MR. WEINGARTEN: For Jencks material, we indicated in our motion the response for defense materials that it would be 72 hours provided there was reciprocal discovery.

MR. HIRSCHHORN: You said 3 days.

MR. WEINGARTEN: 72 hours, 3 days. We anticipate that if the trial begins on Monday that that means Friday.

THE COURT: That was on the Brady material? No, on the Jencks material?

MR. WEINGARTEN: Yes, your Honor.

THE COURT: Right, and that would include the Grand Jury transcript of Grand Jury testimony of any Government witness?

MR. WEINGARTEN: Yes, it would, your Honor.

THE COURT: Right.

Mr. Shorter, do you wish to be heard in support of the motion to compel the early production of Grand Jury testimony?

MR. SHORTER: No, I would stand on the papers that were filed in support of that motion, your Honor.

THE COURT: All right.

Does counsel for Defendant Hastings wish to argue this motion?

MR. HIRSCHHORN: Your Honor, I did want to supplement it, but I say this with all due respect, I'm back to where I started an hour ago where I said I thought we ought to argue some of these motions so I can get in a ready posture if we go to trial.

THE COURT: Well, you are being given the opportunity right now.

MR. HIRSCHHORN: Thank you, Judge.

THE COURT: Now, so the record is clear, the Court is hearing any argument that counsel for Judge Hastings or counsel for Mr. Borders wish to present and the Court's ruling will apply on these motions as to both of those defendants. Let's have no misunderstanding on that.

MR. HIRSCHHORN: Your Honor, I concede, of course, that there's probably no law, at least none that I could find, that directly supports this request, but that doesn't mean the request ought not be made. Some day there may be law and this case may unfortunately be the case that makes the law. The Government under the standing discovery order is required to turn over -- to prepare and transcribe in advance of a mot[illegible] the Grand Jury testimony of all witnesses who would be called to testify at trial and that, of course, is what we have done. Had we not filed the

motion, then of course the Government's obligation is not -- the Government is not obliged to comply with the standing discovery order. But in addition, this particular motion seeks Grand Jury transcripts of people that the Government does not intend to call as witnesses. Now, I know, of course, that you cannot order the Government to do something which the Rules of Criminal Procedure specifically prohibit the Government from being required to do. The Government has said, out of the goodness of its heart, that it's going to afford me the opportunity to work all weekend before the trial date trying to read transcripts.

THE COURT: Well, we will get to the Jencks Act problem in connection with the Jencks Act motion which is filed by both defendants, Paragraph (9)(i). The Court will endeavor to persuade Mr. Weingarten that defense counsel might like a weekend to do something other than read Jencks material.

MR. HIRSCHHORN: All right. Then, I won't address that aspect of it just yet.

Your Honor, the position we take is that, of course, I don't know who appeared before the Grand Jury, and I'm certain that the Government is going to produce witnesses that are favorable to the Government's theory of the case. There are several witnesses that I am contemplating calling who have appeared before the Grand Jury, but who don't have copies of the Grand Jury testimony. Now, before I can make a decision as to whether or not to put them on the witness stand, to even spend the

time preparing them for testimony, talking with them further, it would be nice if I knew what their prior sworn statements were to see if in fact their testimony is not only helpful to the defendant but also to see if their prior sworn testimony is consistent with what they have told me, and the Government is in the unique position of controlling, by not providing me access to the Grand Jury transcripts, my ability to assess the credibility or the ability of the witness to withstand a vigorous cross-examination by the prosecution, because they'll have not only the benefit of the witnesses' previous testimony, but also they will have the benefit of months of having examined it, looked at it, prepared it, reviewed it, thought about it, assessed it, looked and picked through it for inconsistencies within the transcripts themselves, and I won't have that benefit. I will put a witness on the stand and perhaps he will say, or she will say, something that appears to be inconsistent with the previous statement of the witness, and I will not have had an opportunity to review it myself nor will my witness have had an opportunity to have seen it. I think that's inherently unfair.

In addition, and separately, obviously the Government is not going to put witnesses on the stand who have exculpatory evidence. Their job is not only to prosecute and to prosecute fairly but their job is not to present the defense side of the case.

THE COURT: Yes, but they have a definite obligation under

the Brady and Agurs to furnish you with any such statements if they have any.

MR. HIRSCHHORN: Well, you may have seen from the Government's response that the Government --

THE COURT: They say they have none.

MR. HIRSCHHORN: No, they have also said if you will tell us what your theory of defense is, we will look through our files again.

THE COURT: Well, they certainly would know if there are any exculpatory statements in their possession that they were exculpatory.

MR. HIRSCHHORN: Your Honor, you say that in an offhand -- I don't mean --

THE COURT: The defense, as the Court understands, will be that "we didn't do it", right?

MR. HIRSCHHORN: Not only that --

THE COURT: All right.

MR. HIRSCHHORN: -- but as we have put in our motions, that we have been the victim of a circumstance. We have been used, so to speak. I know -- I have been advised -- that the Government has had several people before the Grand Jury who have been asked specifically questions of whether or not Mr. -- excuse me -- whether or not Judge Hastings directly or indirectly through intermediaries made an effort to extend a favor to a particular defendant and in fact the Government has alleged in its indictment

criminal acts, criminal defendants in cases, plural -- always plural -- in the indictment. And I believe that several witnesses have testified before the Grand Jury that have been asked by the prosecutors, "Has Judge Hastings, directly or indirectly, solicited you or your lawyer in any way?" And I believe from information that I have received that these witnesses have vehemently said, "No."

Well, I interpret that to be Brady material. Certainly if the witness has said "Yes" it would be 404.

THE COURT: I assume the Government, if they had any such statements, would recognize Brady material and, if they do not turn over matter which is Brady material, you know what happens. Right?

MR. HIRSCHHORN: Well, I'm not sure I do.

THE COURT: But you're asking here for early production of all Grand Jury testimony and let's -- we will handle the Brady problem separately when we reach it.

MR. HIRSCHHORN: All right. The request for all Grand Jury testimony, your Honor, in addition to the remarks I made earlier, is also predicated, in an effort to enable me to better prepare my witnesses who have already testified before the Grand Jury and also to see whether they are viable witnesses, is because, I agree, without knowing what a witness said to the Grand Jury, I'm in the speculating area as to what they might have said, and so we have kind of a Catch 22 under Rule 6(e) and under Procter &

Gamble and the cases cited in my memorandum and in Dennis, you are entitled to the Grand Jury testimony if you can show a particularized need, but of course I can't really show a particularized need because I wasn't in the Grand Jury Room. I tell the Court that the particularized need here is that as to those witnesses who I intend to call, if they testified before the Grand Jury, I am entitled to their testimony well in advance of their taking the stand and, as to those witnesses the Government does not intend to call, the reason they don't intend to call them, I suggest, inferentially, and logically, is because those witnesses' testimony do not assist the Government in the presentation of its case in an effort to obtain a conviction.

THE COURT: Thank you, Mr. Hirschhorn.

I don't know whether I inquired. Mr. Shorter, do you wish to be heard on this?

MR. SHORTER: I can't add to what counsel has said, your Honor, except that we support the motion and we would ask the Court to compel the Government or direct the Government or nudge the Government to make Grand Jury transcripts available because it is a significant problem that counsel has in preparing a case not to have the transcripts of the witnesses that it's going to face in the Courtroom, to cross-examine, at the point immediately before the trial.

THE COURT: Well, the Jencks material will be furnished prior to trial. Mr. Weingarten has indicated three days prior to

trial. The Court is going to urge 7 days so that you may enjoy the weekend beforehand in other activities.

MR. SHORTER: We do adopt the motion, and we join in what has been said by Mr. Hirschhorn.

THE COURT: I understand that. Thank you, Mr. Shorter.

Mr. Weingarten?

MR. WEINGARTEN: Just right before lunch, your Honor, the arguments articulated by Mr. Hirschhorn both orally today and in his brief could be made by every defense counsel who ever defends a case in criminal court. Obviously there's a presumption of regularity for Grand Jury proceedings. The courts have universely inhibited the routine searching behind an indictment. It would cause interminable delay. Unless there is a particularized need or a particularized allegation that's cognizable in court, Grand Jury transcripts should not be turned over willy-nilly. As far as the Brady allegation is concerned, we know our obligations under the Brady rule and we know our continuing obligations under the Brady rule, and if specific allegations like the ones Mr. Hirschhorn made today are brought to his attention, he should bring them to our attention, and as an intermediate step, if we don't believe it's Brady but it is a close question, we would be happy to submit it to the Court in camera for its review.

THE COURT: I'm sorry, which --

MR. WEINGARTEN: Well, Mr. Hirschhorn said today that it was brought to his attention that there's Brady material in the

Grand Jury. Frankly, I don't know what he's talking about. But if he's more specific in that and we don't think it's Brady but there is some material, we would be happy to submit it to the Court as United States v. Agurs suggested for the Court's determination in camera as to whether or not it is Brady material.

THE COURT: How extensive is the Grand Jury transcript?

MR. WEINGARTEN: All told, I would think that -- well the Grand Jury investigation took about three months, and I'm just guessing, your Honor. As to number of pages?

THE COURT: I wonder how long it is going to take these two gentlemen to run through it.

MR. WEINGARTEN: I would think a third of a file drawer. I could tell you better after lunch. I probably -- about this much (indicating). I would say probably close to 700 or 800 pages.

THE COURT: All right. This comes up frankly in connection with a motion not now being argued, which is the motion filed by Mr. Mavrides on behalf of Judge Hastings to dismiss the indictment or order civil contempt, and it would appear very possibly the Court in connection with that motion should review the Grand Jury transcript, but that's not before the Court now so that we can save that for another day. Right?

Thank you, Mr. Weingarten.

Once again, Counsel, the Court has reviewed the material and the record relating to the present motion, that is, the motion

of the Defendant Hastings to compel the early production of all Grand Jury testimony, a motion which has been adopted by the Defendant Borders. The motion is squarely governed by Douglas Oil Company v. Petrol Stops Northwest, 441 U.S. 211 (1979), in which the Supreme Court made clear that: "Parties seeking Grand Jury transcripts under Rule 6(e) must show that the material they seek is needed to avoid a possible injustice in another judicial proceeding, that the need for disclosure is greater than the need for continued secrecy, and that their request is structured to cover only materials so needed." Id. at 222.

In order to meet this standard, the Supreme Court has made clear, as has the Court of Appeals for this Circuit, that the defendant must show a "particularized need." Pittsburgh Plate Glass Co. v. United States, 360 U.S. 395, 400 (1959); United States v. Procter & Gamble Co., 356 U.S. 677, 683 (1958); he must "demonstrate reasons for disclosure which are peculiar and particular to his case." In Re Disclosure of Evidence Taken Before a Special Grand Jury Convened on May 8, 1978, 650 F.2d 599, 601 (5th Cir. 1981), per curiam. See, also, Dennis v. United States, 384 U.S. 855, 869 (1966).

It is sufficient to state that neither defendant has made such a showing in this case. As the Court of Appeals for the Fifth Circuit pointed out in United States v. Fuentes, 432 F.2d 405, 408 (5th Cir. 1970), cert. denied, 401 U. S. 919 (1971), the type of reasons advanced by the defendant, that is, a need for

pretrial preparation, planning of trial strategy and such, are reasons which could be advanced in any case and are not a sufficient showing of particularized need.

The motion is denied. The Court will be filing a brief memorandum.

Before the Court overlooks it, the Court has consistently referred to this Circuit in referring to Fifth Circuit opinions and the Eleventh Circuit, of course, has adopted the precedents of the Fifth Circuit and any reference to this Circuit includes the Eleventh Circuit and any prior Fifth Circuit rulings.

The next motion, which is No. (6), is one which is not adopted by the Defendant Borders. It is a Special Motion for Disclosure of Information pertaining to multiple grand jury investigations filed on behalf of the Defendant Hastings by Mr. Mavrides and we will pass that to a later day.

The next motion on the list is a motion for a pretrail James hearing. Such a motion was filed by both defendants. The motion before the Court at this time would be the motion of the Defendant Borders for such a hearing. The Court does not feel it would be appropriate to make that determination with respect to the Defendant Hastings until we know whether that defendant is going to be tried, and the Court inquires of Mr. Shorter as to whether this motion is pressed insofar as Defendant Borders is concerned? There does not appear there are going to be any co-conspirator statements offered, is that correct, Mr. Weingarten?

MR. WEINGARTEN: There will be statements of Judge Hastings offered by lay witnesses during the course of the conspiracy. They will not be statements made to Government Agents and they will not be statements that were recorded.

THE COURT: Well, of course, the James hearing is addressed to the question of whether the Government can establish --

MR. WEINGARTEN: Yes, of course. Your Honor, I think if we go to trial alone on Defendant Borders, the James question is greatly simplified, simply because of the chronology of events in this case. We originally argued that if there was a joint trial, we would ask the Court to give us the opportunity to connect up later the co-conspirator statements made. In this instance, if we go to trial just on Defendant Borders -- I guess we would ask for the same prerogatives, but it's really a much simpler question with just one defendant there.

THE COURT: Mr. Shorter?

MR. SHORTER: In the context of the Government's response, your Honor, we would like to ask through the Court whether or not the Government proposes to advise us beforehand what the declarations of the co-conspirator are or have been or what they were insofar as the Government feels that the evidence of the existence of the conspiracy or what was said in furtherance of the conspiracy.

MR. WEINGARTEN: Jencks material. It will be turned over pursuant to Jencks. These are witness statements that include

conversations these people would have had with Defendant Hastings.

MR. SHORTER: I would have to say, your Honor, that it is simplified insofar as this motion is concerned by the fact that there is going to be just a single trial. The need for a James hearing, I think, becomes less crucial and the setting of the trial --

THE COURT: Now, under the rule in this Circuit, and I guess only the Fifth Circuit has spoken, the Court must find by a preponderance of the evidence from independent evidence --

MR. SHORTER: Independent evidence.

THE COURT: -- a conspiracy, that the defendant was a member of the conspiracy, that the statement was made in furtherance of the conspiracy.

MR. SHORTER: Right.

THE COURT: Now in the First Circuit, as you may be aware, the Circuit has indicated that the Trial Judge can rely to some extent at least on the statement itself. The Fifth Circuit has rejected that the Court understands. So it's going to be a question of the Government establishing independent evidence of the conspiracy prior to the admission of any of the statements. Are you going to be able to do that?

MR. WEINGARTEN: Well, I think the Fifth Circuit, after James, has indicated it is strictly within the Court's discretion.

THE COURT: I understand.

MR. WEINGARTEN: And the Government is entitled to

connect up later with their independent acts if the Court feels that that's in the interests of justice. In our original answer, we argued for the opportunity to proceed in that fashion so that the evidence could be presented in a fair and chronological way.

THE COURT: Right. Well, insofar as -- well, as the Court understands the post-James cases and the approach here, the Court should ask for a proffer from the Government of how they are going to establish the existence of the conspiracy by independent evidence and then determine whether it's necessary to hold a hearing in advance of trial for that purpose.

MR. WEINGARTEN: Okay.

THE COURT: Now, insofar as Judge Hastings was a member, frankly the Court was disposed to think that probably a pretrial James hearing would be indicated because at this point at least, the Court has no idea of how the Government intends to establish that connection by independent evidence.

Insofar as Mr. Borders is concerned, though, it would appear there's very direct testimony as to what Mr. Borders himself said and did, and so forth. I question that a pretrial James hearing is in any way indicated.

MR. SHORTER: Well, it becomes important to Mr. Borders, your Honor, insofar as the admissibility of co-conspirator hearsay statements as to whether or not that will be used to prove the existence of the conspiracy. Now, I was listening very carefully

to what Mr. Weingarten said and he is saying that it's the Government's plan in this case to engraft an exception on the rule expressed by the full bench in the James case and the James case -- I don't think your Honor has a correct understanding of what the Court said, and that is that in a case where a defendant is charged with conspiracy, there must be independent evidence of the existence of a conspiracy and, confronted with that, Mr. Weingarten said, "Well, yes, that might be the rule but we're going to ask your Honor to employ what we conceive to be a variation of the rule or an exception to the rule and let us offer the statements with the promise that we're going to connect it up later."

Well, now if that's the Government's plan, your Honor, I think that we clearly should have a pretrial James hearing.

THE COURT: Well, let me say this. James made clear it was not required. It was discretionary with the Trial Judge. The most recent case which was just called to this Court's attention, United States v. Miller, which is the Eleventh Circuit, 664 F.2d 826, a 1981 case, an opinion by Judge Johnson, unequivocally held that a pretrial James hearing was not required and approved of the procedure followed by the Trial Judge were it to rely upon the Government's proffer of evidence out of the presence of the jury and prior to admitting the statements before the jury. And I at this point would sense that the proper procedure for this Court to follow would be to require a proffer by the

Government counsel as to what they are going to be showing and then make a determination as to whether a James-type hearing was necessary. Frankly, I sense that counsel are perhaps not completely prepared for the way this case has developed in view of the fact that there's only one defendant now.

MR. WEINGARTEN: That is correct; that is correct.

THE COURT: Perhaps the Court could handle this question when it is down here in March if it is coming down in March. Would that be satisfactory?

MR. WEINGARTEN: Yes, your Honor.

THE COURT: Wouldn't that give counsel time to determine exactly where they are?

MR. SHORTER: Yes.

THE COURT: All right. Then we will defer ruling on the James hearing question to the March date.

The motion for change of venue by the Defendant Borders, that again is filed by the Defendant Borders.

Where do you want to go, Mr. Shorter? Do you want to come up to Maine and try it?

MR. SHORTER: Well, probably a metropolitan area, your Honor. Southern District, perhaps, of New York, Philadelphia, some metropolitan area.

THE COURT: How about Greater Portland?

MR. SHORTER: Are we going to proceed with that motion now, your Honor?

THE COURT: It will be very brief, will it not?

MR. SHORTER: I don't think it will be very brief, your Honor.

THE COURT: The Court will hear you then, Mr. Shorter. The Court has reviewed the article submitted with your motion and -- excuse me, did you just file some papers here?

MR. SHORTER: Yes, your Honor. Those are additional --

THE COURT: They have been filed. Do you have copies of these?

MR. WEINGARTEN: Yes.

THE COURT: Well, the Court will review these. It is quarter of 1:00. I gather you would rather argue after lunch?

MR. SHORTER: This may very well, your Honor, if I could suggest it, be appropriately argued on the first because this is my position about this. What your Honor has done today is going to generate enormous publicity.

THE COURT: Could we argue this after lunch?

MR. SHORTER: Oh, yes.

THE COURT: Didn't you suggest that?

MR. SHORTER: Yes, I did.

THE COURT: I think it would be better. One hour? Right? It is quarter of 1:00. Then we will recess until --

MR. HOGAN: Can I put something on the record with your Reporter?

THE COURT: -- quarter of 2:00.

After lunch, Mr. Hogan.

MR. HOGAN: I don't need you, your Honor. I just want to put it on the record with the Government as to what I did.

THE COURT: You can put it on after lunch, Mr. Hogan. You are going to be here, aren't you?

MR. HOGAN: No, sir.

THE COURT: Well, sorry --

MR. HOGAN: I can do it at a different time. I can do it in March, your Honor.

THE COURT: I don't know what you want to put on there.

MR. HOGAN: Well, you gave me an exhibit --

THE COURT: I didn't give you anything, Mr. Hogan.

MR. HOGAN: The Government gave me an exhibit that I marked and I marked it as an exhibit. All I want to do is to read into the record what's in that composite exhibit. And I don't need the Court, I just need the Reporter with the Government.

THE COURT: Well, the Reporter likes to have lunch, too, you know.

MR. HOGAN: Certainly. Anybody can do it.

THE COURT: We will take care of this after lunch. You are not going to be here after lunch?

MR. HOGAN: No, sir. I don't have anything there that I'm to argue.

THE COURT: Well, except are we going to have a hearing on -- where are you going to be? Can't you be here at quarter

of 2:00?

MR. HOGAN: I'm not in the case any more, your Honor, if you have got Hastings out.

THE COURT: Well, I would appreciate your being back here after lunch so we can be absolutely confident that we know the status of this electronic surveillance motion which may be a motion which Mr. Borders is going to adopt. You don't have to catch a plane or anything this afternoon?

MR. HOGAN: No, sir, I have to be before Judge Kehoe at 3:00 o'clock.

THE COURT: All right. We'll take care of this the first thing when we get back after lunch.

MR. HOGAN: Well, I have a client in jail who would like to get out which is more important to me than this electronic surveillance. I will be happy to be here whenever you tell me.

THE COURT: All right. Well, you be here at quarter of 2:00.

MR. HOGAN: I certainly will.

THE COURT: We will convene at quarter of 2:00 and take this matter up at the outset and let you put what you wish on the record and you and Mr. Weingarten can agree on the procedure you wish to follow with respect to this electronic surveillance problem.

MR. HOGAN: Fine.

THE COURT: The Court will recess then for one hour.

(Whereupon recess was taken from 12:45 o'clock p.m. to 2:00 o'clock p.m.)

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THE COURT: Good afternoon, Counsel, and I apologize for being a little late. We were directed to a very pleasant restaurant to have lunch down on Biscayne Boulevard, and then the heavens opened up. The only thing I have to say is it didn't snow but just about everything else.

I believe when we recessed this noon, Mr. Hogan wanted to place some materials on the record.

MR. HOGAN: Thank you, your Honor.

THE COURT: That can be done at this time.

MR. HOGAN: Pursuant to the Court's order, I opened composite Government's Exhibit A, an envelope containing a number of envelopes therein. I have marked down in the upper right-hand corner 1 through 9, which would be A-1 through 9, as part of the composite exhibits. I have examined the contents of each envelope and the contents are broadly described on the outside of the envelope, except for No. 6, which says on the outside that it is the wire intercept. It actually contains a report of October the 13th, 1981, from Assistant United States Attorney Donald Campbell with what is commonly known as a 10-day report. This also contains pen registered orders and affidavits. I have not copied those. However, I have copied the motion to file notice of inventory and some 80 or 90 people that were named therein. A document that I had not received pursuant to the discovery order from the Government prior to this time. Thank you, your Honor.

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THE COURT: Well, Mr. Hogan, would you enlighten the Court as to what this exhibit is?

MR. HOGAN: Yes, I will tell you, your Honor. What it is is at the end of the wire intercept, the Judge --

THE COURT: You're talking about the --

MR. HOGAN: Borders wire intercept on his office and his home.

THE COURT: Right.

MR. HOGAN: The Judge then signed any papers, orders he signs or 10-day reports made by the Government during the progress of the tap is sealed and placed in the custody of the Clerk of the Court. Those documents are now contained in Government's composite Exhibit A. I had not seen those. Some of the affidavits I received were unsigned, unsworn to. I had no way of knowing whether or not they actually were signed or sworn to. I have now seen the originals of all the documents, except for I had not seen prior to this time the motion to file notice of inventory. Those documents are all contained in here. I'm marking them as an exhibit since my motion and memorandum refers to pages in the affidavit and the orders, so that the Court should have before it the original that you could refer to.

THE COURT: Now, these are under seal at this time?

MR. HOGAN: Well, they were under seal. Now they are under seal as to anybody not a party or an attorney.

THE COURT: In this action?

MR. HOGAN: In this action.

THE COURT: I see. Mr. Weingarten?

MR. WEINGARTEN: Just this proposal, your Honor. Chief Judge Smith released these materials to the Clerk of Court down here. My recommendation would be, and it's consistent with your order of January 25th which we requested, that these materials be resealed under the custody of the Clerk of Court down here in the Southern District of Florida.

THE COURT: Now, shouldn't I have copies of these?

MR. WEINGARTEN: You do. In your response, I filed exhibits attached to our wiretape response.

THE COURT: Which are copies of this?

MR. WEINGARTEN: Yes.

THE COURT: I see. Then these should be sealed in the custody of the Clerk of this Court available only to counsel in this litigation. Is that --

MR. WEINGARTEN: Yes.

THE COURT: Is that agreed?

MR. HOGAN: Yes, that's fine with me, your Honor.

THE COURT: Well then, Mr. Clerk, you understand?

THE CLERK: Yes, sir, I do.

THE COURT: Is a written order necessary?

MR. WEINGARTEN: I don't believe so. I think the written order of this Court on January 25th suffices. The only other matter, your Honor, also consistent with these orders that have

already been made, the wiretaps themselves, the tapes, are presently in the custody of the FBI, and I would ask that they remain in the custody of the FBI because I think it is far simpler for the FBI to retain custody than to bring all these tapes down here to the Court. That's the procedure that was used in the District of Columbia and I ask that that procedure be used here as well.

THE COURT: Now, those tapes are under seal at the present time?

MR. WEINGARTEN: Yes, yes.

THE COURT: And the seal will be removed in your presence and the presence of Mr. Hogan?

MR. WEINGARTEN: Yes.

THE COURT: And Mr. Hogan may then listen to the tapes?

MR. HOGAN: I've listened to all the tapes, your Honor.

MR. WEINGARTEN: Not the originals.

MR. HOGAN: They have a work copy from which they make copies and supply it to me, and I have listened to all of the tapes.

THE COURT: Do you want to listen to the originals?

MR. HOGAN: No, I do not. I want to be there just when the seal is opened. I have explained I am going to Detroit tonight. I will be back tomorrow night, and I can do it Friday.

THE COURT: Is it necessary to open the seal on those?

MR. HOGAN: I think you might want to listen to one. I

don't know trial counsel's position, but the Government informs me that there has been a discussion concerning a particular word in the October the 5th, 1981, tape. The Government contends it's one thing and the defense contends it's another thing, and under the Fifth Circuit procedure, there either has to be an agreement between the two as to the authenticity or they each have to submit separate transcripts, and I think they want to enhance it. If they want to enhance the original, I would submit somebody has to listen to it before it goes up there to the Bureau.

THE COURT: Well, and I assume that will have to listen to it at some point?

MR. HOGAN: If I was trying the case, I would ask you to, yes, sir.

MR. WEINGARTEN: My proposal is, your Honor, that the tapes remain sealed until a point comes when they are either to be introduced in Court as evidence at trial or that there is a discrepancy between counsel and the tapes will be enhanced. I'm not sure at this point with Mr. Borders being the only defendant slotted to go to trial on March 22nd whether or not that discrepancy exists.

THE COURT: All right. Well, I understand, Mr. Hogan, you don't care about listening to the original tapes?

MR. HOGAN: No, your Honor.

THE COURT: So that as far as you are concerned, they

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can remain under seal in the custody of the FBI?

MR. HOGAN: Yes, sir. The only thing I want is if the seal is broken, I want to be present when it is broken.

THE COURT: Well, that's understood. Fine.

Now, the motion which you filed, Mr. Hogan, was on behalf of Judge Hastings.

MR. HOGAN: That is correct, your Honor. And I will have a reply to the Government's answer by next Friday.

THE COURT: Next Friday? You mean three days from now?

MR. HOGAN: No, I didn't mean three days from now. A week from Friday.

THE COURT: Well, you are going to have to have it in time for me to review it, I assume.

MR. HOGAN: Well, my understanding is that there's a notice of appeal going to be filed on Monday with a motion for stay. I don't rush into these things because it seems to me that you --

THE COURT: I guess what I'm inquiring is do you anticipate a hearing on or about March 1st or 2nd concerning this?

MR. HOGAN: No, sir.

THE COURT: You are not going to be here?

MR. HOGAN: No, sir.

THE COURT: Then there's no hearing as far as --

MR. WEINGARTEN: We're certainly not going to ask for one, your Honor.

THE COURT: As far as Judge Hastings is concerned. But Mr. Shorter will undoubtedly wish to adopt that motion.

MR. HOGAN: He has adopted my motion, and I have explained to Mr. Shorter that I will file a written reply. And as I say, the Court to me, oral argument on these type of things, you just rehash what you have put in your written material. That's why I try to make it as complete as possible. I don't expect to make oral argument on behalf of Judge Hastings since he's not going to be in the case as of March 2nd.

THE COURT: All right.

Let me find out from Mr. Shorter what his position is on this.

MR. HOGAN: I had one other thing on the papers, your Honor, and then I'll be finished.

THE COURT: All right.

MR. HOGAN: Your Honor, there's one thing I did not notice in filing my motion, and I will include it in the reply. On Document A-3, which is the wire intercept on Mr. Borders' home of October the 2nd, 1981, the application, your Honor, is for 398-6321. The Judge in the order finds probable cause on 202-387-6321 but orders the intercept on 398-6321. Of course, the Government will probably say it's a typographical error. I bring it to the Court's attention now since there was no probable cause found on the number stated in the application and that the order allowing the interception of the home phone would be illegal.

I will file a written motion on that.

THE COURT: Right. And you will put this in writing?

MR. HOGAN: Yes, sir. I would just like to let the Court know at the earliest possible time.

THE COURT: Now, you filed, also, Mr. Hogan, a motion concerning sources of evidence.

MR. HOGAN: That was a 3504 motion, your Honor, alleging that the Government had committed an illegal act. I had talked prior to this time with the Government and they have agreed to answer that, make an agency check and answer by affidavit. If they had not agreed, I would have alleged more in the motion in order to make them do that --

THE COURT: Is any action required by the Court on that motion?

MR. HOGAN: Not that I know of.

MR. WEINGARTEN: No. We have not filed the affidavit. We intend to.

THE COURT: All right. Fine.

Don't go away, Mr. Hogan, and --

MR. HOGAN: No, sir.

THE COURT: -- until we find out what Mr. Shorter is up to.

MR. SHORTER: Your Honor, for Mr. Borders, we do intend to press the electronics surveillance suppression motions.

THE COURT: And will you be filing a memorandum

supplementing that already filed by Mr. Hogan or do you adopt that memorandum and wish only to file a response to the Government's opposition?

MR. SHORTER: I haven't studied the Government's response, your Honor. I would like to have the opportunity to file such pleadings as we would deem appropriate for Mr. Borders no later than next Friday, which would coincide with Mr. Hogan's filings.

THE COURT: Well, Mr. Hogan had filed a motion and a supporting brief. You adopt that brief?

MR. SHORTER: Yes, we do, your Honor.

THE COURT: You wish to file a supplementary brief after you have reviewed the Government's response?

MR. SHORTER: Yes, your Honor.

THE COURT: Now, if that's not filed until next Friday -- and you are referring also to a week from Friday?

MR. SHORTER: Yes, your Honor.

THE COURT: That's not going to give the Court opportunity to review it prior to the hearing which is now set for March 2nd, I believe, the following Tuesday. Could we not advance that to Wednesday or Thursday or something?

MR. SHORTER: Certainly, your Honor.

THE COURT: Fine. I don't want to put undue pressure on counsel but if we could have it --

MR. SHORTER: Well, I understand the situation, your Honor, and I can certainly accelerate it.

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THE COURT: Say, could you get it to us by Wednesday, a week from Wednesday?

MR. SHORTER: That's a week from today?

THE COURT: A week from today. All right. Fine.

MR. SHORTER: That's fine.

THE COURT: Then I understand that Mr. Borders' response will be filed by Wednesday, February 24th, and that will be coming from Washington?

MR. SHORTER: Express mailed.

THE COURT: Express mail, and copies to me. I don't really care when they arrive down here, but when they arrive in Portland is more important, all right?

MR. SHORTER: I will get them there as expeditiously as possible, your Honor.

THE COURT: Fine. Fine.

Now what do you anticipate in the way of an evidentiary hearing on that motion?

MR. SHORTER: I have spoken with Mr. Hogan about his plans on an evidentiary hearing and if he's not going to participate in the proceedings, your Honor, then, of course, I will do precisely what it is that Mr. Hogan had planned to do.

THE COURT: Right.

MR. SHORTER: He had said that he would have two witnesses from Mr. Borders' office to testify about the range of the wire-tap and other details. We had planned to supply those to

witnesses so of course I will have control of that and I will get with Mr. Hogan to see which Agent. I believe he said he had planned to bring one Agent, was it?

MR. HOGAN: Two Agents, two of the monitors, your Honor, that were actually monitoring the lines.

THE COURT: So we're talking about --

MR.SHORTER: Essentially the same thing, your Honor.

THE COURT: -- about half a day, a full day?

MR. SHORTER: Half a day, I would think.

THE COURT: Half a day on evidence and then argument to follow?

MR. SHORTER: Yes, your Honor.

THE COURT: So we are allowing roughly a full day, I would assume?

MR. HOGAN: Your Honor, I would assume that we would be able to stipulate as to when Mr. Jensen was confirmed by the Senate. There's no problem on that.

THE COURT: I thought you weren't going to be in this, Mr. Hogan?

MR. HOGAN: I am filing a response, your Honor, and I'm filing it based upon ability to stipulate with the Government. I am not in it. I'm just filing a response for the Court so the Court can be properly informed before you rule.

THE COURT: All right. Well, will you be associating Mr. Hogan with you, Mr. Shorter?

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MR. SHORTER: No, we haven't made those arrangements, your Honor, but I do intend to pick his brain and coordinate with him as much as possible.

MR. HIRSCHHORN: That should take about ten minutes.

THE COURT: Good luck.

All right, now, I just don't recall, is Tuesday, March 2nd, satisfactory to you, Mr. Shorter?

MR. SHORTER: I would say yes, your Honor.

THE COURT: Right. And I understand with Mr. Weingarten, and Mr. Hirschhorn is not involved in this so we don't have to be concerned with him. Right. So it is understood it will be Tuesday, March 2nd, at 9:30 a.m. again.

Is there anything further with respect to electronics surveillance, Mr. Weingarten?

MR. WEINGARTEN: No, and I think that probably will be it for the next time we appear in Court because the severance motions obviously disposed of and the other outstanding motion was Defendant Hastings' motion to suppress evidence from his chambers which would appear to be unique to Defendant Hastings.

THE COURT: Right. Fine.

All right. Well, Mr. Hogan --

MR. HOGAN: Yes, your Honor.

THE COURT: You say you have somebody in custody you want to get out by 3:00 o'clock?

MR. HOGAN: Yes, illegally, your Honor.

THE COURT: You have got 45 minutes to do it in.

MR. HOGAN: Thank you, your Honor.

THE COURT: Thank you very much for your patience.

MR. HOGAN: Certainly.

THE COURT: I believe when we recessed, we had reached Item (8) in the agenda which is Mr. Borders' motion for a change of venue and Mr. Shorter had filed Defendants' Exhibits 60 through 64, Xerox copies of newspaper reports, which the Court has had an opportunity to review. Have you, Mr. Weingarten?

MR. WEINGARTEN: Yes.

THE COURT: And the Court will be happy to hear you, Mr. Shorter.

MR. SHORTER: There's one caution, your Honor, about Defendants' Exhibit 61. That's a long article and the bottom part of it, the column running down the right side of the page -- I'm sorry, the left side of the page -- is not complete. But I will put into the record -- I will read into the record what the rest of the article has to say.

THE COURT: Is it long?

MR. SHORTER: No, your Honor.

THE COURT: Couldn't you just file a supplement so that it's here? It will be lost in the record, I'm afraid.

MR. SHORTER: All right, your Honor. It's a very important part of what we contend, your Honor, is prejudicial to Mr. Borders. Unfortunately, I didn't detect that.

THE COURT: What the Court has here starts off: "In the motion seeking a separate trial, one of Hastings' attorneys, Andrew Mavrides of Ft. Lauderdale, wrote 'Defendant Hastings contends that he is an innocent victim of circumstances and will so testify,'" and you wish to add to it?

MR. SHORTER: The rest of that, just for purposes of this hearing today, and I will just read what it says: "He knows nothing of the co-defendant's acts, bears no responsibility therefore and cannot explain the co-defendant's intent. The co-defendant took liberties in using Defendant Hastings' name. Last October in a news interview --" and then it goes up to the right-hand column -- "after Hastings was indicted, Mavrides said the Judge's loyalty --" and it continues, and your Honor has that part -- "to old friends made him an easy mark for a setup."

THE COURT: Would you have somebody just -- do you suppose you could have that paragraph typed up and attached as Defendant's Exhibit 61-A so we have it in the file?

MR. SHORTER: Yes. Your Honor, the motion as filed seeks a transfer from this District for the trial of this case to some other unspecified and unnamed District.

THE COURT: Actually, the motion seeks a change of venue for trial to a District outside the State of Florida.

MR. SHORTER: The State of Florida. This District and all other Districts --

THE COURT: Within Florida.

MR. SHORTER: Yes, sir, to some unspecified, unnamed District. The basis for the motion, your Honor, is grounded in Rule 21(a) of the Federal Rules of Criminal Procedure. Events that have transpired this morning, your Honor, make it possible, or raise the question, your Honor, as to whether or not the basis of the motion should not be broadened to also include the reasons set forth in Rule 21(b), but since that is a separate definitive kind of a motion insofar as the underlying reasons --

THE COURT: And this is for the convenience of parties and witnesses and in the interests of justice?

MR. SHORTER: Yes, yes.

THE COURT: Right.

MR. SHORTER: So this case may very well assume the posture of being a case that should be transferred under the exigencies set forth in Rule 21(b) as well as what we have documented as being reasons for the transfer of this case under the provisions of Rule 21(a). The question, the basic question, that arises in the motion or from the motion, and it's attachments, is whether or not, your Honor, there's a reasonable probability that Mr. Borders can obtain a fair trial in this District on account of the publicity that has swirled about this case. Now, your Honor, we have indicated that there are three publications, three newspapers, three daily newspapers, published in Miami that is circulated in the Miami area from

which we have taken material that we have attached as exhibits to our motion. Now, these three newspapers, your Honor, have written a total of approximately 60 newspaper articles since the time of Mr. Borders' arrest on October 9th --

THE COURT: You are referring to the Miami Herald?

MR. SHORTER: Yes, sir.

THE COURT: The Ft. Lauderdale --

MR. SHORTER: News and Sunday Sentinel. That's one newspaper.

THE COURT: And what's the third one?

MR. SHORTER: And the Miami News.

THE COURT: Is that an evening paper?

MR. SMITH: Yes.

MR. SHORTER: I, of course, am not a resident of this area and I'm aware that the Court is not a resident of this area, and I do not think it inappropriate to say, your Honor, just based on conversations that I have had with people who are associated with this case, that the arrest of Mr. Borders and the ensuing investigation insofar as it involves a Federal District Court Judge in this District was a significantly newsworthy event. I think I can say that without any challenge. Not only did it receive publicity through the newspapers, there was related publicity through other news media, but we have documented the newspaper clippings that have ensued since the time of Mr. Borders' arrest and they are Exhibits 1 through 60 and the supplemental

that we put in the Court today are releases that have been issued since the time that we were last in Court.

Now, it is not, your Honor, the fact that the newspapers have seen fit to write about the event of Mr. Borders' arrest, the underlying investigation insofar as it involves Judge Hastings, it's not the fact that they have done so and it's not the fact that they have done so on a repeated basis that we say this case should be transferred to another District. What we have done, your Honor, in a meaningful way in our motion is to analyze the content of some of these articles to demonstrate to the Court that some of the newspaper articles have prejudiced Mr. Borders' right to a fair trial in that, your Honor, they have contained materials that will not be within the evidence of this case, material of facts, allegations. There have been innuendos, your Honor, that have cast Mr. Borders in what we say is an unfavorable light.

Now, again I do not feel that it is inappropriate to say that Judge Hastings enjoys a very fine reputation in this community among all segments of the population. He was the first black Federal Judge appointed to the bench in the State of Florida. He was a very active attorney practicing some several years before the time that he was appointed. Prior to his appointment to the Federal Bench, he had been appointed as a State Court Judge and he had become, by virtue of his activities in the legal community, a very popular and a very noteworthy

person. He is a person who is well known. He has high visibility among the people in this jurisdiction. And as we read the newspaper articles on it, your Honor, not only was he highly visible, not only was he well known, he was in some respects not overly controversial, but some of the things that he had done as a Judge, and things that he had done as a lawyer, had captured the attention of the newspapers and had been widely reported. His Civil Rights activities, some of the rulings that he made as a Federal Judge. Two of them -- at least one of them was adverted to earlier today. That is his stand insofar as the Haitian refugees were concerned had been widely reported and brought him more and more to the attention of the people in the community. On the other hand, your Honor, Mr. Borders, until his arrest, was virtually unknown in this community, though enjoying a fine reputation in his own community, and being known among at least black lawyers in this country as the President of the National Bar Association, active in their affairs, and in his own community, having been appointed by President Carter on the Judicial Selection Committee was widely known, so we have two individuals charged in the same case who are men of good repute, well known in their own communities, except that Mr. Borders was indicted in a jurisdiction where the other defendant happened to enjoy very wide -- I don't like to use the word notoriety, but does enjoy high recognition in the community in the press and whatever.

Now, the newspaper articles that have ensued following the events in this case have been somewhat favorable to Judge Hastings and, on the other hand, they have not been so favorable insofar as Mr. Borders is concerned. I think that your Honor has probably become aware of the fact that the investigation as it proceeded from July 21, its inception date, down to the time of Mr. Borders' arrest, spoke of more on the actions and the activities of Mr. Borders than it did on Judge Hastings. As a matter of fact, following Mr. Borders' arrest and while the investigation was going on, there was not speculation in the newspaper but there were articles to the effect that the Government's case against Judge Hastings was largely circumstantial. The newspapers constantly played that theme. And, on the other hand, we had a person, Judge Hastings, who throughout a certain period of time, was quite indignant about the investigation, clammered for an early indictment, protested his innocence and this, your Honor, put Mr. Borders in a position where by not engaging in the same activity, not being as verbal, not being as vocal about his situation, tended to juxtapost his situation against that of the Judge who was saying, "I'm innocent; I'm innocent; I'm innocent."

And Mr. Borders remains quiet. Now, much of the reporting that was done through October and November emphasize the investigative details of the case. Now, I'm certain through your Honor's familiarity with all the various documents, the

pleadings that have been filed in this case, your Honor has gotten the sense that there was a time when very specific, very factual details about the investigation were released to the newspaper, and, as a matter of fact, I'm advised through my reading of the newspaper that this caused some concern in the Justice Department and in the FBI as to what was the source of these so-called leaks. Because the later events in the case, namely, the indictment itself, and responses to various pleadings and positions that have been taken in the pleadings, have verified that with uncanny accuracy, information was being released to the press from the Government source about the details of the investigation.

Now certainly the Government had filed an affidavit at the time that Mr. Borders was arrested in support of the complaint against Mr. Borders that contain some outline of what the case was about and with some reference to some of the Government's evidence. Now, that is not an unfortunate situation. That's what the Government must do in order to validate its complaint. It must show that there's some probable cause for the arrest and some basis for charging Mr. Borders with the offense that they have charged him.

Now, the newspapers, your Honor, became aware that there was an informant in the case and that this informant was a person named William Dredge, and a great amount of reporting appeared in the newspapers about Mr. Dredge's role in this case. So much so,

your Honor, that the newspapers obtained a way of learning what it was that had transpired allegedly between Mr. Dredge and Mr. Borders at certain intervals during the investigative stages of the case and the newspapers, your Honor, began to report things that Mr. Dredge said that Mr. Borders said to him. Significantly, Mr. Dredge is alleged to have said that Mr. Borders came to him and reported that Judge Hastings was soliciting bribes from criminal defendants who had appeared before him. Now that appeared in the affidavit that was filed at the time of Mr. Borders' arrest. It was also reported, your Honor, that Mr. Dredge had given to the Government information that a person by the name of Trafficante, a very well known figure in the Miami area, had discussed with Mr. Borders the possibility of Mr. Borders approaching Judge Hastings in order to compromise the outcome of the case, of a criminal case against Mr. Trafficante, and others, that was before Judge Hastings, so what we have imported into the publicity of this case, publications concerning this case as time went on, was statements from Mr. Dredge about things that Mr. Borders had said to him, and we also saw developing in the press some attention to the fact that a Mr. Trafficante had a case before Judge Hastings which also numbered some other notorious people, a person from Chicago reputed to be a Mafia boss, a person from the New England area, also reported to be a Mafia boss, and some other lesser notorious people, so we have a swirl, your Honor, of people coming to the

attention of the reading public in the Miami area of names of people who are very notorious, of allegedly nefarious, infamous people and we have Mr. Borders being in some way connected with these people.

Now, all of this, your Honor, comes about because Mr. Dredge has become accessible to someone, or at least what Mr. Dredge had said about Mr. Borders has become accessible to people who write in the newspapers. We also see, your Honor, that an FBI Agent is alleged to have observed Mr. Borders and Mr. Truficante meeting. Now this is information, your Honor, which was not available to people who might have been following the case by reading the complaint that had been filed against Mr. Borders or attending the various hearings.

THE COURT: This was all in the -- in the Miami newspapers, in the Ft. Lauderdale newspapers, as these articles indicate?

MR. SHORTER: Yes.

THE COURT: But where does that move us?

MR. SHORTER: Well, what it does, your Honor, is it labels Mr. Borders as being a person who is associating with criminal types. We also have --

THE COURT: I understand that, but you know the standards. This isn't an Irvin v. Dowd type of inflammatory, highly emotional saturation of the community with prejudice against Mr. Borders. This is the type of reporting which you or I, who perhaps read the newspapers with care, would have read, seen, absorbed and perhaps formed some views, but candidly, my experience over a

number of years has been that there are relatively few that read the newspapers or listen to news broadcasts to the extent that perhaps you or I or Mr. Weingarten do. I'm sure you have been through this before and I'm sure you are aware, also, that the general sense in which the Fifth Circuit has made quite clear that the time to make this determination is at or after voir dire, a change of venue be granted if at that point it appears that a jury who has not been exposed to this type of prejudicial information can't be impanelled. I will give you just two examples, Mr. Shorter.

We have had a number -- Maine has become like Florida in terms of large scale smuggling of Marijuana in from Colombia along our Maine coast. All of these incidents have been highly publicized and yet when we call in a venire, we find that most of them have, if they read a newspaper at all, have read the sports section or Ann Landers or possibly the weather or the television programming and completely unaware of this type of publicity which has in a sense been pervasive, and frankly I'm not familiar with the Miami area, as I gather you are not, but I sense that the time to determine the question of whether Miami is an appropriate place to proceed with this trial will be at the time of voir dire in the event it appears that you cannot obtain a jury that hasn't been, you know, preconditioned by publicity.

MR. SHORTER: It may be too late at that point.

THE COURT: One of the problems here is, as you are aware,

that Judge Hastings, who has been a codefendant and still is a co-defendant, has a right to trial in this District and his counsel has stated that he wishes to be tried in this District. Now, if we're going to have a separate trial, that's not of concern, but we can't anticipate at this point definitely that it's going to be a separate trial. It may be that something will happen at the appellate level and we will have a joint trial between now and the end of March.

Now Judge Hastings, as I understand it from what Mr. Hirschhorn said at the last hearing, wants to be tried here in Miami.

MR. HIRSCHHORN: Your Honor, in fact, I filed a written objection to Mr. Shorter's motion for change of venue, and I cited the lead case in the Fifth Circuit, United States v. Stratton, and it was filed, I think, either yesterday or today, and I supplied your staff with a copy, or we mailed it. There's a written objection on it, and United States v. Stratton is the exact same situation where venue is changed over one defendant's objection.

THE COURT: Well, one defendant -- if my understanding is correct, Mr. Hirschhorn, Judge Hastings is entitled to be tried here unless the Court on his motion transfers the case.

MR. HIRSCHHORN: That is correct, and that's exactly what United States v. Stratton says.

THE COURT: Well, I am glad to see they agree.

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MR. HIRSCHHORN: Me, too.

MR. SHORTER: Well, your Honor, that's been the law for a long time, that you cannot transfer a case as to a particular defendant in the absence of his consent, but that does not in any way derogate or does not in any way affect the right of Mr. Borders to a transfer of this case to another District. The case can be transferred as to Mr. Borders and not transferred as to Judge Hastings. But I don't see that that in any way answers the question of whether or not Mr. Borders is entitled to a transfer, whether or not Rule 21 mandates that as to him.

THE COURT: You're absolutely right.

MR. SHORTER: Yes.

THE COURT: If the Court is satisfied that Mr. Borders cannot obtain a fair and impartial trial at any place fixed by law for holding court in this District, and that would include Miami, West Palm Beach, Key West, Ft. Pierce, I believe --

MR. HIRSCHHORN: Yes.

THE COURT: -- that it should be moved.

MR. SHORTER: Right.

THE COURT: But the question really is whether the Court can say at this time that such a great prejudice exists and, as you are aware, normally that's not determined until after voir dire.

MR. SHORTER: Ordinarily, that's the case, your Honor, but Mr. Borders' rights under the Speedy Trial Act certainly would

impact on delaying the determination until then.

THE COURT: Now, wait a minute. When does the 70 days -- of course, these motions have tolled the statute so we do have some leeway there.

MR. SHORTER: Is your Honor aware of the District Court opinion in the case of United States v. Engelman that we cited in our brief? It's a case decided in the Eastern District of Missouri, a District Court. It's a very illuminating case, your Honor, because it deals with the very question that your Honor is raising about postponing a determination about a change of venue until such time as the voir dire. There's certain practical, economical considerations --

THE COURT: I appreciate that, and may I say, if, having reviewed these newspaper clippings, which I have, I was persuaded at this point that there would be a very real problem with respect to Mr. Borders, I would certainly feel disposed to direct a change of venue on Mr. Borders' motion at this time. Frankly, I was far more concerned about the publicity concerning Judge Hastings who is, of course, known in the area, but that is not a problem as far as change of venue is concerned because he wants to be tried here.

MR. SHORTER: Well, of course, our analogies of the effect of this publicity is quite opposite to yours.

THE COURT: Let me ask, Mr. Shorter, for the position of the Government. It's an open-ended motion. Where would you

suggest it be tried? Certainly not Washington. The Washington Post has been full of this.

MR. SHORTER: There's Philadelphia, your Honor. There's New York. There's Atlanta, which I would suggest as places that could possibly hold the trial in this case. I think the climate, the atmosphere, is wholly different and much more antiseptic from the standpoint of jury reaction or jury knowledge about Mr. Borders and its attitude about Mr. Borders. We would submit, your Honor, that a fair reading of all this material brings about this kind of a circumstance insofar as Mr. Borders is concerned, and I think that that situation has been exascerbated by the fact that Mr. Borders is going to be tried by himself. The tenor of everything that one reads is that here's a guilty man, a man who has done such and such and such and such as has been reported in the newspaper and has been charged in the indictment and that what he has done is to drag down or to take advantage of or to put a very prominent, respected Federal Judge into a criminal case by his actions and his actions alone because there's not much evidence -- there's no evidence against the Judge -- that this man, as has been reported in the paper, as his own lawyers have said, your Honor, have done things, used the Judge's name, and this is circulated, this is travelling around in the community, and then to ask a group of people out of that community to come in and decide whether or not Mr.Borders is guilty or not guilty I think puts a tremendous burden on not

only Mr. Borders but on the jurors, too, and I don't think, your Honor, that this matter of a voir dire is really effective in eliciting the prejudices that people acquire from being inundated with newspaper reports that tend to debase the defendant.

THE COURT: I understand your point fully. Thank you, Mr. Shorter.

Maybe Mr. Weingarten has a position.

MR. WEINGARTEN: Yes, your Honor. Of course, we vigorously opposed the motion for change of venue when we first received it. We were operating under the assumption there would be one trial and two defendants. We cling to the hope that there will be one trial with two defendants, and we would continue to oppose the motion for a change of venue under those circumstances. If it appears -- I suppose we will know more the next time we get together -- if it appears conclusive that we're going to have a trial against Mr. Borders first, then I think perhaps our assessment of the situation might change. I think there has not been a media circus. A proper venire of 12 jurors could be selected from a proper venire. We were going to ask the Court to follow the procedures this Court used in an explosives case that we read where the voir dire used in United States v. Edward Gullion, an explosives case that we read, that was when the voir dire selection procedure used by this Court was upheld by the First Circuit.

THE COURT: What is that procedure?

MR. WEINGARTEN: The Court in Maine had a situation where there was a great deal of publicity.

THE COURT: Oh, is this Gullion?

MR. WEINGARTEN: Gullion.

THE COURT: Oh, yes. Fine. I'll be happy to use that procedure.

MR. WEINGARTEN: Excuse me, your Honor, I mispronounced it. We would think that would be an appropriate procedure and a jury could be selected that could give a fair and impartial trial with both defendants. If it appears there will only be one defendant, and I suppose we will know more the next time we gather, the Government's position can change. And I don't know if the Court said this in a jocular fashion, but perhaps Portland, Maine, would be nice in the spring.

THE COURT: The Court was being a little jocular and if Mrs. Gignoux had been here, she would have told me to stop it.

MR. WEINGARTEN: All right. But our hope again is that we could perhaps expeditiously resolve the appellate situation. If it appears that we can't, and just Mr. Borders is on trial, I suspect Mr. Borders may file a convenience motion. I think Mr. Shorter alluded to that and perhaps we can resolve this more efficiently the next time we meet.

THE COURT: All right. As far as the convenience of the witnesses, the Government witnesses are concerned, not a great deal of problem?

MR. WEINGARTEN: Well, most witnesses are clearly in Florida. Most witnesses that will testify are here. There are some FBI Agents from Washington who no doubt will be witnesses, but they are used to travelling all over.

THE COURT: You are suggesting the Court perhaps reserve ruling on this until the situation is clarified 10 days from now, right?

MR. WEINGARTEN: Yes, sir. Our primary position is we oppose and we think a fair jury can be selected from here and we're hoping that there's just going to be one trial.

THE COURT: All right. I don't know how you are going to accomplish that, but you can try.

Mr. Shorter?

MR. SHORTER: Yes, your Honor.

THE COURT: The Government has suggested a compromise, if I may so state it, which is that the Court defer ruling on this present motion until March 2nd when we are going to be assembled again and by that time we will have a clear picture of the situation as far as Judge Hastings is concerned and the Government's position might change as the Court understands. They oppose the motion at this time but they might join with you 10 days from now.

MR. SHORTER: I don't have any problem with that, your Honor. I think that would be -- and I think that's probably your Honor's inclination, and I --

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THE COURT: The Court would be happy to try this case anywhere that counsel might agree and, candidly, presumably it would be easier to select a jury some place other than in Miami if it's to be a separate trial of Mr. Borders. If it is going to proceed as a joint trial, then we have the problem of two trials which is a fact to be considered.

Fine. Then the Court will simply continue any ruling on this motion and this will be on the agenda for the first week in March.

The remaining motions on our list are under Item 9. They are the motions which the Court has classified as discovery-related. There are 15 of them filed by the Defendant Hastings, all but two of which have been adopted by Defendant Borders, and the Defendant Borders has filed two motions which duplicate two of the motions filed by Judge Hastings. The Court has reviewed the motions, the supporting materials and the Government's responses and suggests that extended argument is not necessary on most of these but I'm at your disposal for the next two or three hours.

As the moving party, Mr. Shorter, perhaps the simplest thing would be to just go right down the line A, B, C and state what you wish to submit and what you wish to argue.

MR. SHORTER: As we see it, your Honor, the motion indicated that 9(i) is very critical to the defendants. We have previously indicated the ones that we adopt and as to those, your

Honor, we would be making submissions on the basis of what has been filed in the case already. But we would seek disclosure of the Jencks material or having it produced well before the trial.

THE COURT: You have, in your supporting memorandum -- now, I have to be careful -- I believe it was Mr. Hirschhorn's supporting memorandum -- he cited United States v. Algie, the District Court case which was reversed by the Sixth Circuit in January. January 8th, the Sixth Circuit holding that the Court has no authority to order the Government to turn over Jencks statements prior to trial. And that appears to be the rule of the Fifth Circuit in the Campagnuolo case and certainly of the Second Circuit in the Percevault case and the clear implication in the Advisory Committee note to Rule 26.2. The Government has agreed voluntarily to turn over Jencks statements three days prior to trial, such pretrial disclosure to avoid delay is a procedure which the Fifth Circuit has encouraged in Campagnuolo and the Second Circuit in Percevault and the First Circuit in -- I should remember that case -- and which I would certainly encourage.

As I previously indicated, I would even encourage Mr. Weingarten to turn these statements over seven days before trial which it would appear could be done without really prejudicing the Government's case and permit counsel to have a little more time to review them.

MR. WEINGARTEN: The suggestion is accepted, your Honor. We would ask that there be reciproscity and as well a protective

order on these transcripts, that only Mr. Shorter and his staff have access to them.

MR. SHORTER: We would find that to be a reasonable condition, your Honor.

THE COURT: What?

MR. SHORTER: We would find that to be a reasonable condition.

THE COURT: All right. Then --

MR. HIRSCHHORN: Your Honor, may I be heard on this matter?

THE COURT: No, not yet, Mr. Hirschhorn. Everything is going very smoothly and let's not muddy the waters yet.

MR. HIRSCHHORN: Okay.

THE COURT: The Court's understanding, then, is that the Government will deliver the Jencks materials to defense counsel seven days prior to the start of trial.

MR. WEINGARTEN: Yes, your Honor.

THE COURT: That it's agreed that the statements would be available for inspection only by counsel.

MR. WEINGARTEN: Of course, if Defendant Hastings is a defendant in the case, we would provide the same Jencks material to both defendants, but if we are assuming now that we are just trying Mr. Borders, then we would ask that the protective order extend to Mr. Shorter, his staff and, of course, the defendant.

THE COURT: All right. In other words, that the materials

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be reviewed only by the Defendant Borders and his counsel unless the Defendant Hastings is going to trial, and then of course it's available to him and his counsel, and I understand that the defendants would be --

MR. WEINGARTEN: Well, under Rule 26(d)(2), we would ask for reciproscity, your Honor. We would expect when we make our transfer of statements we would receive transfer of statements from defense counsel.

THE COURT: And that's agreeable?

MR. SHORTER: Your Honor, I said that I found the Government's conditions reasonable.

THE COURT: Right. Fine. All right. Then that will be done. Then the Court -- well, in light of this agreement, action by the Court on this motion is really not necessary, or do you wish a denial of the motion?

MR. SHORTER: No, it's not necessary, your Honor. I would consider that what's transpired here is sufficient.

THE COURT: All right.

Does the Court understand, Mr. Shorter, the remaining motions are submitted on the written motion and papers?

MR. SHORTER: Yes, your Honor.

THE COURT: Mr. Weingarten?

MR. WEINGARTEN: Certainly we have no objection to you ruling on these motions based on the papers, your Honor.

THE COURT: I don't know, Mr. Hirschhorn, you wanted to

be heard, but I don't know what it is you're going to -- what's your position here?

MR. HIRSCHHORN: Well, I feel very uncomfortable with Mr. Shorter adopting my motions that I labored over and intended to argue. The Court's going to rule on them and then later on if Judge Hastings remains a defendant, I'm going to come back and argue them again --

THE COURT: Why don't you argue them right now.

MR. HIRSCHHORN: Okay, because I would prefer to do that.

THE COURT: How long will it take you?

MR. HIRSCHHORN: Your Honor, I don't imagine it will take more than 45 minutes to go through all of them because some of them I am going to submit, but not all of them. But the thing that concerns me, Judge, and I will tell you why, in the back of your mind you're going to have to say to yourself, well, I already ruled on this motion for the co-defendant. Why should I change my ruling?

THE COURT: I am very happy just as long as you understand that the Court's ruling -- the Court will be ruling now on it. That's fine. That's fine.

Now, before we do, however, Mr. Hirschhorn, because before we move on, are there any other motions on which it's necessary for the Court to rule today?

MR. SHORTER: No, your Honor.

THE COURT: There is a motion filed by Mr. Hirschhorn on behalf of the Defendant Hastings some time ago for an extension of time within which to file additional motions. I gather that that's moot at this point.

MR. HIRSCHHORN: Not exactly. I thought I would address that very briefly at the end of my argument.

THE COURT: Well, as far as Mr. Borders is concerned, there's nothing further at this time, is that correct, Mr.Shorter?

MR. SHORTER: That is correct, your Honor.

THE COURT: And I will understand that we will be proceeding on Tuesday, March 2nd, on the electronic surveillance motion which Mr. Borders has adopted and this question of change of venue and I believe the James hearing I deferred also, the question of whether a James hearing would be necessary. And that will be everything.

MR. SHORTER: Yes, sir.

THE COURT: Now, it is my practice to hold a -- what I call a final pretrial conference. This would be approximately three weeks before the start of the trial, and I would anticipate that proceeding at the same time when I'm here in that first week in March to discuss various trial procedures with counsel, including the number of peremptory challenges, voir dire, the possibility of sending out questionnaires to the prospective jurors in advance. Are you familiar with that practice? Judge King apparently in the Black Tuna case mailed out questionnaires or had the Clerk mail

out questionnaires. This would be the type of thing, Mr. Shorter, which I would propose to discuss at this conference.

MR. SHORTER: By that time I will become aware of what that procedure was, your Honor, and be able to address it.

THE COURT: It was just a questionnaire which went out to whatever number of veniremen were going to be called in asking essentially biographical data concerning the particular individual so that didn't have to be repeated at the time of the voir dire.

MR. SMITH: We're going to ask for more than that.

THE COURT: I beg your pardon?

MR. SMITH: We're going to ask ... a little more than biographical data based upon what was done in Black Tuna, and what we think --

THE COURT: I can't hear you.

MR. SMITH: I say, we are going to ask for more than just biographical data. Have you seen the Black Tuna questionnaire, Judge?

THE COURT: Yes, I have it right here.

MR. SMITH: There was much more than biographical data in terms of information requested to determine whether or not -- just how much -- what fixed opinions may have been engendered by the newspaper publicity and the type of case involved. We are going to be requesting that. We are just advising the Court.

THE COURT: Well, I am simply indicating at this point, Mr. Smith, that when we're together two weeks from now, I will wish to discuss with counsel the procedures to be followed. I'm

not sure that these questionnaires are really indicated in this case, but we will just have to see.

Then, if there's nothing further as far as you are concerned, Mr. Shorter, right?

MR. SHORTER: Correct, your Honor.

THE COURT: And Mr. Weingarten?

MR. WEINGARTEN: No.

THE COURT: So we will take five minutes, just five minutes, and then I will come back and listen to Mr.Hirschhorn for, three-quarters of an hour you said?

MR. HIRSCHHORN: Yes, your Honor. I have trimmed quite a bit of fat off.

MR. MAVRIDES: Your Honor, prior to recess are we together in the understanding that the motions that I filed on behalf of Judge Hastings are deferred until such time as it becomes timely to set them down for hearing?

THE COURT: Well, the motions you filed were motion for severance, which is clearly moot, right?

MR. MAVRIDES: That's moot at this point of time, yes.

THE COURT: The motion for disclosure of grand jury investigations?

MR. MAVRIDES: And the motions to dismiss or for --

THE COURT: Those two have been deferred, as I understand it, Mr. Mavrides. Is that agreeable to you, sir?

MR. MAVRIDES: Yes.

THE COURT: Now, there's some indication in the press that you and Mr. Hirschhorn are approaching Judge Hastings' representation from different directions, is that correct?

MR. MAVRIDES: I think that's healthy if it's the truth. I haven't really --

THE COURT: It would be helpful if counsel could speak with one voice.

MR. MAVRIDES: Well, I think we are at this point.

THE COURT: Well, good, good.

Fine. Well, we will recess for five minutes.

(Recess taken from 3:12 o'clock p.m. to 3:20 o'clock p.m.)

THE COURT: Mr. Hirschhorn?

MR. HIRSCHHORN: Your Honor, with respect to the motion for a statement of particulars, I will adhere to your guideline for the purposes of granting of oral argument simply to highlight but not repeat.

Your Honor, if we proceed on the assumption that the purpose of a bill of particulars is to narrow the proof and the issues to avoid surprise, to prevent trial by ambush, to enable the defendant to properly prepare, to perhaps order the proof in this case and to enable the defendant to plead this -- to plead this indictment and the result in this case is a bar to subsequent prosecutions, I suggest it is not unreasonable for the Court to require the Government to answer Question 1 through (j) and 2(a) and (b) as well as 3(a) through (d). I am particularly concerned

about language in the indictment which says "criminal defendants" -- that the movant is alleged to have solicited and/or agreed to receive money from "criminal defendants" plural, without knowing, under the state of the indictment, theoretically, the Government could attempt to introduce evidence of an alleged solicitation from criminal defendants other than the Romanos. The Romanos are all I know about from the discovery, but that doesn't necessarily mean that that's all the Government may seek to introduce, and I'm certainly entitled to be prepared prior to trial. If we take a look at Page 2 of the indictment, Paragraph 5, it says: "It was an object of the conspiracy that the Defendants Borders and Hastings would agree to receive money from criminal defendants who appear before Judge Hastings" without specifying who. I don't think the Government could allege an indictment that says the Defendants Borders and Hastings agreed to murder people without being specific, for example. You would certainly require specificity in terms of who the victim is, and I suggest that that kind of specificity is appropriate in this case.

Similarly, in Paragraph 5 they say: "In return for promises that Judge Hastings would perform acts (plural) in his official capacity on behalf of said criminal defendants." What acts?

THE COURT: Well, as the Court understands, the indictment alleges one conspiracy, an agreement between the two defendants

to receive money from any criminal defendants who might be disposed to pay money to have orders entered in their cases.

Now the agreement which is alleged and which the Government may intend to prove would be an agreement which is open-ended in that sense.

MR. HIRSCHHORN: I don't believe that that --

THE COURT: It's possible for you and me to sit down and agree that in any cases which come before me in the future I will act in a certain way without specifying the cases.

MR. HIRSCHHORN: I suppose that's true, but I don't believe -- I don't believe that was the intent of this indictment, that there was an open-ended agreement. I don't know how in the world the Government is going to prove that unless they have non-hearsay -- forgetting about the James problem -- unless they have hearsay testimony as to the Defendant Hastings that says: "Mr. Borders told Rico/told Dredge that in every case appearing before Judge Hastings, he was the man to go to." I mean, that's the open-ended agreement that they have alleged, and I don't think that that's what the Grand Jury intended to return; I don't believe that's what the Government's proof will be, and I think if that is what the Government's proof is going to be, that it is more than the Romano case, I am entitled to know now by way of particulars to prepare for trial. And that's the thrust of Paragraph 1(a) through (i) because words like "acts" plural,

"cases" plural, "legal rulings" plural, "criminal defendants" plural and "payments" plural, all of which are found in Paragraph 6, go far beyond what is alleged to be in Paragraph 7, namely, the $150,000 from someone they believe to be Frank Romano. Now, I will stand on the --insofar as Paragraph 3 of my motion for statement of particulars is concerned, the Government has responded by saying that there are no other aiders or abettors other than the Defendants Hastings and Borders and I will stand on that portion of my written motion. However, I do think I am entitled to know the place and the date where these alleged acts were to have occurred if they are not specifically alleged in the indictment so as to enable the defendant to examine and evaluate the Government's response and obtain rebuttal testimony, rebuttal witnesses. What if -- and I offer this or posit this as a hypothetical -- the Government's proof at trial is that Borders and Hastings agreed at a particular place or at a particular time to engage in all these nefarious activities according to Mr. Rico and if the Government gives us the specific time, date and place as to when these things occurred, it may well turn out that not only was Judge Hastings not present or would not have been possible for the Defendant Hastings to have been involved in these activities, but possibly it would have been impossible for Mr. Borders. So we think that the requests in the motion for statement of bill of particulars are reasonable and necessary.

I concede, your Honor, the most recent Eleventh Circuit case -- I say the most recent, there are not many cases out of the Eleventh Circuit yet -- but the United States v. Colson, 662 F.2d 1389 (11th Cir. December 7th, 1981) makes it clear that -- from Page 1391, Mr. Reporter -- "The purpose of the bill of particulars is to inform the defendant of the charges in sufficient detail to enable adequate defense preparation and to minimize surprise at trial." Now, if I can show --

THE COURT: And to plead double jeopardy.

MR. HIRSCHHORN: And to plead double jeopardy. I mean, that's a foregone conclusion, but in Colson, they were concerned therewith to enable adequate defense preparation and to minimize surprise at trial. What if at trial the Government, and I'm -- by the way, your Honor, I'm mindful of your decision in United States v. Maine Lobstermen's Association. You see, we have both done our --

THE COURT: You have got a long memory.

MR. HIRSCHHORN: No, I have a computer that can search by name, Judge, and I found that you were on the panel in the First Circuit Petrucelli case. I never would have known that, or the James case. Just as the Government has the advantage of calling the United States Attorney and to say, "Tell us what interesting decisions or how does Judge Gignoux handle things," my West Law computer has to search, and we found the Maine Lobstermen's case, even though it is in 1957. It must have been

one of your first decisions when you shortly went on the Bench. But the fact of the matter is that if we are to avoid being surprised at trial, I need to know whether there are going to be any acts, other than the Romano acts involved, as part of the proof of the indictment, of the conspiracy count, so I can attempt in advance of trial to find evidence and witnesses that will rebut. That's all the argument I have on my motion for statement of particulars.

THE COURT: Do you want to hear the Government's response as you go along, Mr. Hirschhorn?

MR. HIRSCHHORN: Well, your Honor, if we do that, it will generate back and forth. I think it might promote my 45 minutes if I go right through it and then Mr. Weingarten can decide what's worthy of response and the Court might have a question for Mr. Weingarten.

Your Honor, on the motion to preserve evidence, the Government's response has indicated that he will preserve all the evidence in his possession. In short, the Government has agreed, therefore I don't intend to argue it, however, I would like an order just to protect my client that says basically --

THE COURT: Well, may I say this, with respect to both that motion and the motion for Government Agents to retain rough notes, in light of the fact the Government counsel has undertaken both to preserve evidence and has instructed the Government Agents to retain their rough notes, the Court would normally just feel

that no court action is required on those two motions. The Government counsel are officers of the Court and presumably will abide by their undertakings.

MR. HIRSCHHORN: Well, I'm not withdrawing or abandoning. I accept the Government's representation, and in light of the Court's admonition, I will move on to the next motion, which is the motion for Government disclosure of co-defendant cooperation.

Your Honor, the Government has responded -- all I want to know is, you may have noticed -- you made an observation that there may be some difficulty in Judge Hastings' defense camp. You may have also noted there's a certain amount of natural antagonism as evidenced by the fact that Mr. Borders is sitting at one counsel table. Even if there were room at our counsel table, I might be sitting somewhere else. There is a certain amount of natural antagonism because of the nature of the case, and the defenses being posed, however, there's also a limited amount of cooperation that is necessitated if there is a joint trial. Now, in view of the fact that there appears to be a severance by operation of law in view of your -- in view of Judge Hastings' decision to appeal the pre-impeachment indictment motion, I don't believe that this motion that I have before you should be pressed as earnestly, however, I do feel that the Government has an obligation, that if in fact it goes to Mr. Borders and offers him an opportunity to cooperate with the Government in exchange for testimony or information against the

defendant, I think the Government's got an obligation to inform Judge Hastings' counsel of that, and I think the Government has the obligation, and not Mr. Shorter, because for Mr. Shorter to do that, it places him in a position --

THE COURT: Yes, but you cite no authority whatever for this.

MR. HIRSCHHORN: Well, I agree.

THE COURT: Certainly Massiah doesn't support the position.

MR. HIRSCHHORN: Massiah does not go that far, and Morrison, I'm sorry to say, seems to say the Government can even go behind a lawyer's back to his own client. That doesn't mean I'm wrong. It just means that no court has yet recognized it. The motion is before you. I believe that there is a potential for abuse in the Government going to a co-defendant and seeking cooperation. Mr. Shorter has an obligation to represent his client and certainly he couldn't very well tell me that the Government is seeking his client's cooperation post-indictment.

THE COURT: This happens all the time. I understand you do a considerable amount of criminal defense work here.

MR. HIRSCHHORN: That's all I do.

THE COURT: I assume in some of these Marijuana smuggling cases.

MR. HIRSCHHORN: Yes.

THE COURT: And I would assume that Government counsel

are constantly trying to find one of the 15 defendants who will cooperate.

MR. HIRSCHHORN: Yes.

THE COURT: And are you suggesting the Government should inform counsel for the other defendants that X is going to be a Government witness?

MR. HIRSCHHORN: Well, I think at some point after the Government has made a decision on who they are going to focus on and they make an effort to solicit that defendant's cooperation, unless the lawyer for the defendant who has not been asked to cooperate knows, he may wind up sharing defense strategies, tactics and facts and evidence with that lawyer to his detriment. For example, in this case, I have given Mr. Richter a package of discovery, as you see from my discovery inventory. I haven't given it to Mr. Shorter. I don't know that I'm required to. I am reluctant to give it to him because I don't know whether he's going to wind up being a defendant shoulder to shoulder with me or whether he's going to be a Government witness -- his client, not Mr. Shorter.

THE COURT: Well, then I suggest you not give it to him if you are really concerned about that.

MR. HIRSCHHORN: Well, I am. I have to -- I'm representing Judge Hastings and he is my primary concern, and I agree, Judge, there is no authority, but if you don't ask, you don't get a chance to litigate it either here or above.

THE COURT: All right.

MR. HIRSCHHORN: And I will stand on the balance of my written motion.

Your Honor, with respect to the motion for discovery and production, I think you might have misunderstood. I don't feel that this Government's response for the motion for discovery and production -- I'm sorry, I was talking about the Rule 404 response, that portion of the Rule 404, I will come back to that. With respect to the Government's motion for discovery and production, your Honor, we have tried to detail our position. The Government tells us that it has seized certain things from Mr. Borders but it's not going to give it to us. They say in their response that at the time of Mr. Borders' arrest they seized certain things from him, photocopied them and either returned the originals or kept the originals and returned photocopies, and they say, "We do not believe we are required to turn over copies of materials seized from Defendant Borders to the Defendant Hastings since we do not intend to introduce any of it in our case in chief." Well, I don't know what it was that they seized, nor do you, and while I have -- at this point I do not doubt the good faith of the prosecutor, I have a great deal of concern at the prosecutors telling me how to manage or run my case or prepare for trial. I don't know what they seized. There may be something that is helpful to the defendant. There may be something that I perceive to be exculpatory and there may

be something that will provide a lead for me. I don't understand why the Government just flat out refuses to give me what it is they seized from -- copies of whatever it is they seized from Mr. Borders. The Government opposes giving me any statements or admissions against interest that Mr. Borders made subsequent to his arrest. Mr. Borders must have said something when he was arrested. I'm certainly entitled to have that to see --

THE COURT: Well, now, we have a problem here. You are seeking in Paragraphs 1 and 2 of this motion, documents and such, seized from the defendants, and the Government -- essentially you are seeking documents and statements seized from Judge Hastings or made by him. The request is covered by the standard discovery order that that be furnished. You are seeking materials which were seized from Defendant Borders, right?

MR. HIRSCHHORN: Right.

THE COURT: And the Seventh Circuit in the Harris case and the Second Circuit in Percevault has made it clear that you are not entitled to that material under Rule 16(a)(1)(a) and (a)(3), and frankly I don't see why any exception should be made in this case.

MR. HIRSCHHORN: The Fifth Circuit case, in the United States v. Campagnuolo, 592 F.2d 852, at Page --

THE COURT: "That the Court, trial court, in exercising its inherent supervisory power, may enter a broader discovery order than that required by the Federal Rules." Right?

MR. HIRSCHHORN: Yes.

THE COURT: But you have made no showing as to why the circumstances in this case are such that the Court should go beyond what Rule 16 calls for.

MR. HIRSCHHORN: Well, if we agree that as set out in the last sentence of Footnote 2 of the Campagnuolo opinion on Page 857 that: "It's within the sound discretion of the District Court to make any discovery order that is not barred by higher authority," I am not sure I have to make a specific particularized need showing except I suggest to the Court I do in a sense have -- I have made that showing by pointing out to you that we do have antagnostic defenses in this matter.

THE COURT: I haven't sensed that. From the most recent newspaper clippings which were filed by Mr. Shorter, I have sensed a lack of -- or there is reported a lack of cooperation between you and Mr. Mavrides -- and I think you will iron this out; I hope you do for Judge Hastings' sake, but I have not sensed any lack of cooperation or any antagonistic defenses as between Judge Hastings and Mr. Borders whom I understand -- well, I would have to just refer to the newspaper reports that were given to me that they were long-time friends.

MR. HIRSCHHORN: I have filed an amended motion for severance about which all the furor arose with respect to Mr. Mavrides and myself. You have not had a chance to examine the amended motion for severance, but in there I specify the

diametrically opposed defenses which we suggest are mutually exclusive. I cannot expect Mr. Shorter to cooperate with me in terms of sharing defense materials nor can he expect cooperation from me because of the very nature of the defenses that are being offered and they are mutually exclusive as were the defenses in DeLuna v. United States which are set out at greater length in my amended motion. All I'm saying is I could get this indirectly I suppose by going to Mr. Shorter and saying, "Mr. Shorter, how about giving me copies of whatever it is that the Government gave you that they didn't give me." Now, I don't understand. If the Government is giving it to Mr. Shorter why they just don't give it to me because otherwise I'm placing Mr. Shorter and myself on behalf of Judge Hastings in a very difficult position because --

THE COURT: What you want is any materials seized by the Government from Mr. Shorter and any statements made by Mr. Shorter?

MR. HIRSCHHORN: Yes, sir. Made by Mr. Borders, not Mr. Shorter.

THE COURT: I'm sorry, Mr. Borders in each case. All right. Why don't we move on.

MR. HIRSCHHORN: Your Honor, the Government has said that they will give us the prior criminal record as to all Government witnesses. I think they said one week before trial. And they have done the same thing -- they have made the same offer with respect to exchange of witness lists and so with respect

to Paragraphs 3, 4 and 5, I will stand on the Government's response. Insofar as Paragraph -- I see I have two paragraphs No. 5. That's a typographical error on my part obviously. Insofar as the Paragraph 5 on top of Page 2, the Government's response is not satisfactory. They say, "We believe we have complied with this request." I don't know what that means.

THE COURT: Well, they don't understand it.

MR. HIRSCHHORN: Well, no, there's another one they say they don't understand, and I'm sure if they reread it they will understand it. We will discuss that.

I have asked them to disclose to the defendant, supply to the defendant, copies of any and all reports, documents, tangible items and evidence which the Government has in its possession, care, custody and control and which are material to the defendant's preparation of his defense. Perhaps in the context of Brady, I ought to defer and come back to that without making an issue out of it here, but the Government with respect to Paragraph 6 has made an offer that we accept, one week prior to trial. They have answered Paragraph 7 and 8 to my satisfaction so there's no need for court action on that. Insofar as Request 9 is concerned, the Government says, for example, with respect to 9 through 15: "If Defendant Hastings seeks discovery of purchases or sales or evidence of ownership of realty or personalty of which he was a participant or owner, he would certainly have personal knowledge of this information and discovery is not

necessary." Well that misses the point behind discovery. That's like --

THE COURT: Well, let's break this down. We have -- your Request 9 and 15 --

MR. HIRSCHHORN: Yes.

THE COURT: 9 relates to records concerning the purchase or sale of real or personal property and 15 abstracts of title, proof of ownership of planes, boats, cars and so forth. The Government's response is that Judge Hastings would know.

MR. HIRSCHHORN: No, that's like --

THE COURT: Right. And there's no showing it is material to any issue in this case.

MR. HIRSCHHORN: That's like saying, your Honor, I read the indictment and I don't quite understand what it says, and the Judge says, "Ask your client. He will tell you what he did."

THE COURT: No, but you are asking for records -- in the first place, there's no showing of materiality.

MR. HIRSCHHORN: Well, I think, your Honor, if the Government, for example, had proof that on September 20th Judge Hastings went out and purchased a boat or a car for cash and that date happened to coincide or be shortly after or around the time Mr. Rico allegedly paid the $25,000 to Mr. Borders, we would certainly hear it at trial. The Government would argue the materiality of that, your Honor, is that Mr. Borders received $25,000 on September 19th and the next day Judge Hastings is going

out spending a lot of cash, so it is material and the question is not whether I know it, but whether they know it or they have any information in which they are going to try to establish or prove cash purchases or acquisitions of real or personal property during the time period in question.

THE COURT: Yes, but this is an argument that has been rejected by every appellate court in the land. What you are saying essentially, if I understand your argument, is that of course it would help the defense to know what the Government's case is.

MR. HIRSCHHORN: Yes.

THE COURT: That's not Brady material.

MR. HIRSCHHORN: This is not -- we are not requesting this under Brady.

THE COURT: No, but I mean that's not a proper basis for a discovery request. On that basis, you would have the right to have the Government open its entire file and every court in the country has said there's no requirement on the Government to open its entire file.

MR. HIRSCHHORN: Well, your Honor, I agree that's what the law is and that's the way we have to work with it, but occasionally a judge departs from that rule as you just did.

THE COURT: I try to follow the law.

MR. HIRSCHHORN: Well, I didn't say you wouldn't follow the law. You encouraged the Government to give us the Jencks

material seven days before instead of three days before.

THE COURT: Yes, but that wasn't much of a push, just a gentle suggestion, what?

MR. HIRSCHHORN: Well, if the Government has some information regarding cash purchases, I certainly would like to know about it prior to trial so we can attempt to refute it. That's the basis for the request for the material in 9 and 15.

THE COURT: Now, as far as 10, 11, 12 and 14 is concerned, this all appears to run squarely up against Rule 16(a)(2).

MR. HIRSCHHORN: I'm afraid so. I will just stand on the written request.

THE COURT: And as far as 13 is concerned, this is a -- actually duplicates your Grand Jury request on which the Court has already ruled.

MR. HIRSCHHORN: Well, not exactly, your Honor, and I will tell you why. In 13, what concerns me, and I alluded to this before and this was perhaps -- this is perhaps a bridge into Brady material. As I said, I have been advised that certain individuals who appeared before Judge Hastings as criminal defendants have subsequently been brought before the Grand Jury and asked questions. Now, Mr. Weingarten and Mr. Richter may be shaking their heads saying no, they don't know what it is, they don't know anything about this. I don't have access to Grand Jury subpoenas or lists of witnesses who are brought before the Grand Jury. The Government in its cavalier response regarding my request

for Brady material has said: "Tell us your theory of defense and we will tell you whether we have Brady material."

THE COURT: Yes. What you want to know is the names of the witnesses who were subpoenaed to appear before the Federal Grand Jury?

MR. HIRSCHHORN: That's right.

THE COURT: And in the case which I referred to as Lance, the Fifth Circuit has said you are not entitled to it.

MR. HIRSCHHORN: I can't do any more than ask. I will stand on the balance of my motion, your Honor, as written.

Insofar as the next motion, Judge, the motion for Brady material, which I think is perhaps the appropriate time to discuss it in light of the discovery and production, I suggest, your Honor, the Government's view of Brady is myopic just as mine is hopefully much broader. I suggest the Government has --

THE COURT: Now, excuse me. This is the Brady/Agurs materials?

MR. HIRSCHHORN: Yes, your Honor. The Government's view of Brady reminds me of a horse in a racetrack with blinders and they file a cute response that says once the defendant tells the Government of his defense theory, the Government may well review its file to see if it has any Brady material in it. I don't think that that's a fair or appropriate response from the Executive Branch of the Government. It is inconceivable to me that the Government, as it has pointed out in its response, tells you that

Dredge, William Dredge, is just a potential witness. They are not going to call him. And the Government knows that long before I came into this case and long before there was any conversation involving the filing of a Brady motion, that Attorney Kenneth Robinson on January 11th, 1982, wrote a letter to Mr. Weingarten in which he alleged that this Mr. Dredge had solicited him some time in mid-May, 1981, in an effort to see if Mr. Dredge could find a lawyer that would do certain things. Mr. Weingarten wrote a response, and I don't mean to get into that whole situation, that's another situation, except the fact of the matter is that I perceive that any witness the Government has interviewed who has said, "No, I appeared before Judge Hastings three times or my lawyer appeared before him and he said the Judge couldn't 'fix' it." I perceive that kind of statement to be Brady material.

THE COURT: Well, let me -- one of the problems I've had with this motion, Mr. Hirschhorn, is that you filed a motion containing 17 pages in which what you are requesting in argument is so intermingled that it is almost impossible to sort out precisely what it is you are seeking. Now from this motion I have extracted -- and you tell me if I'm wrong -- I have extracted that you are seeking -- that your motion includes, I should say, a general request for any Brady, Agurs Napue or Giglio material. The Government represents that it has none. The Court can do nothing other than accept that as a response to the general request. If it develops that the Government does have such

materials, then we get into the Agurs problem and subsequently if there is a conviction, presumably it is subject to attack Then I find six specific requests which, if not responded to, would bring the full impact of Brady, right? Now the first request is for the opinions others may have expressed about whether or not Judge Hastings is guilty or not. You want the statements they have from persons they have interviewed who, in the language of your motion, expressed surprise or amazement, incredibility, that this could have happened, which you say is Brady material. Right?

MR. HIRSCHHORN: Yes, sir.

THE COURT: In other words, you would like a list of the persons whom the Government may have interviewed who said, "I just can't believe Judge Hastings did this." Right?

MR. HIRSCHHORN: Yes, sir.

THE COURT: All right. Are you suggesting that those statements could be admitted at a trial?

MR. HIRSCHHORN: No, not at all.

THE COURT: Are you suggesting that they could lead to any evidence which would be admissible at the trial?

MR. HIRSCHHORN: Yes.

THE COURT: And why? How?

MR. HIRSCHHORN: Well, if I can establish a qualification under Rule 406, Habit and Routine, it may be admissible. If -- we're not talking about -- it's the reverse side of 404. If I have

a list of people or an individual that the FBI interviewed, someone who perhaps the FBI had been told had information that was incriminating of Judge Hastings and it turned out the information was not incriminating, it may well lead to admissible testimony. I can't tell you how.

THE COURT: Wait a minute, whose habit are you talking about? Judge Hastings' habit?

MR. HIRSCHHORN: Yes.

THE COURT: All right. Let's just take a hypothetical. An FBI Agent interviewed one of the Judges on this Court and said, "We're investigating Judge Hastings," and that Judge said, "He never could have done what you suggest he might have done."

MR. HIRSCHHORN: That's not admissible, I agree.

THE COURT: All right. Now how does that lead to any admissible evidence?

MR. HIRSCHHORN: Well, I'm not saying that that specific statement will lead to admissible evidence, but it is possible -- it is possible that an interview might have been: "Do you know if Judge Hastings ever goes out to dinner at Miami Beach Hotels? Yes." Now, if he has a habit, for example, if they have discovered a habit or a routine or practice of the Judge going once a week or once a month to a Miami Beach --

THE COURT: That's a little different. What you're request was for an opinion. Now if you want from Mr.Weingarten any statements of witnesses that Judge Hastings had dinner at the

Fontainbleu Hotel on a regular basis, or let's say Wednesday evenings at 8:00 o'clock regularly, that certainly would be exculpatory evidence, and I assume Mr. Weingarten would recognize it as such and would produce it. But what you ask for is an opinion.

MR. HIRSCHHORN: I couldn't, because, Judge, I am not going to put in a pleading that I know a witness gave a fact that I don't know. I mean, I do not --

THE COURT: No, I'm just asking what you asked for in your motion. Now you asked for these opinions and --

MR. HIRSCHHORN: And as the Government correctly points out, the opinion or reaction is not in and of itself admissible but it may lead to -- it may provide a lead for me to admissible testimony. The Government says --

THE COURT: How?

MR. HIRSCHHORN: Well, I don't know yet. I have to take a look at it. I have to see what it says and who said it.

THE COURT: Well, all right. Unless you make some showing. Let's move on to the next one. You request this so-called Georgetown luggage information. Mr. Weingarten says that all the Government knows about that information is what was furnished by you, and frankly I don't know what you're talking about. What is the Georgetown luggage?

MR. HIRSCHHORN: I know. I would like to save that for trial.

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THE COURT: Well, unless I know what you're talking about, I can't rule on the request.

MR. HIRSCHHORN: I understand, I understand. The Government has said they don't know anything about it, and I expect to have a witness who will testify at trial regarding that incident. I don't need the Court's assistance in that matter. They have said they don't have any Brady material regarding that. At the time I filed the motion, I didn't know what the Government's response was going to be. I presumed after I talked to the Government before I filed the motion that they checked it out and they are still adhering to their response. Fine.

THE COURT: Well, maybe Mr. Weingarten can tell me what it is all about then when he responds.

MR. HIRSCHHORN: He doesn't know about it.

THE COURT: What?

MR. HIRSCHHORN: He says he doesn't know anything about it.

THE COURT: Well, he says the information -- no, he doesn't say that. He says that they have the information but it was obtained from you.

MR. HIRSCHHORN: Okay.

THE COURT: All right. You request the FBI background investigation of Judge Hastings as a United States District Judge in 1979. How is this going to assist?

MR. HIRSCHHORN: Well, as the Government correctly pointed out, and as you well know, again you see the problem is you are thinking in terms and the Government is thinking only in terms of admissibility. I don't think that an item has to be admissible just to make it Brady or --

THE COURT: It's got to at least lead to the discovery of admissible evidence and I assume it's similar to the Rule 26(a) or (b) standard.

MR. HIRSCHHORN: As the Court well knows, every Federal Judge is submitted to a rigorous security check, background check, and has to receive a certain type of clearance. I don't know. I have never been in those lofty -- I have never been subjected to anything like that, at least not to my knowledge, never applied for any appointed or elected office. Every Federal Judge is submitted to a very rigorous examination, I presume, of his financial records and accounting but Judge Hastings' appointment was not too long ago and certainly the Government did an investigation of him, and I think that if that is in the actual or constructive custody of the Government, I ought to be entitled to it to see if it does in fact corroborate any evidence that I have and intend to offer with respect to the defendant's financial condition in 1979 and his financial condition in 1981, in light of the Government's broad open-ended allegation that Judge Hastings was standing on the street corner with his hand out, just taking money from anybody that wanted to plunk it in the basket. I think

I should be able to establish that Judge Hastings' financial condition hasn't changed significantly from when he first applied for and was appointed to the Federal office and now.

THE COURT: You next request materials relating to William Dredge, his criminal record, the situation of this Maryland prosecution, and so forth. The Government has represented that it will not be calling William Dredge as a witness. If it changes its intention in that respect, it will furnish the materials which you seek. The materials you are seeking very evidently are sought for purposes of impeachment of William Dredge and if he's not going to be a witness for the Government, how is this material going to help you in any way?

MR. HIRSCHHORN: Well, I might want to call him as a witness, your Honor. But before I call him as a witness, I would like to know a little bit more about the bargain he struck with the Government in Maryland. I might want to call him to impeach testimony of Mr. Rico or to impeach testimony --

THE COURT: All right. Let's assume you call him as a witness. You want to know what the Government has which might be used to impeach him.

MR. HIRSCHHORN: Sure.

THE COURT: Right. That's not exculpatory evidence. That might be helpful. Obviously it would be helpful, but it is not within Brady/Agurs.

MR. HIRSCHHORN: I can impeach my own witness, can I not,

Judge?

THE COURT: Happy to have you, if you are foolish enough to do so.

MR. HIRSCHHORN: Well, I will try not to do that. I mean, it's negative proof I'm putting on but --

THE COURT: No, what I'm saying is there's a difference between exculpatory evidence, evidence which is helpful to the defense in the sense that it tends to prove innocence, and evidence which might assist the defense in the sense that if the defense -- the defense is helped if it knows all the Government's case. Now this information would appear to be only exculpatory in an impeachment sense if the Government is going to call Mr. Dredge as a witness.

MR. HIRSCHHORN: Your Honor, assuming the Government does not call Mr. Dredge as a witness and some testimony comes out from Mr. Rico or from -- from Mr. Rico about things he did, not what he said, things he did in response to whatever it was that Mr. Dredge said to him, or things he said to Mr. Borders, and I think there were even conversations -- there were certainly long distance telephone tolls between Mr. Borders' office and Mr. Dredge's phone number or what's been represented to me to be Dredge's phone number. There may be a reason for me to put him on the witness stand. Now, before I put him on the witness stand, I would like to know exactly what his plea bargain was because I think it may be exculpatory based on my

theory of the defense to show that Dredge had a good motive to fabricate a story involving my client to extricate himself. That's not impeachment of Mr. Dredge. That's exculpatory of my client. It may be inculpatory of Mr. Borders, and I may wind up being co-counsel with the Government in this case prosecuting Mr. Borders.

THE COURT: All right. And let me see, you next ask for -- oh, Brady material concerning Paul Rico, the FBI Agent. The Government has said it has no such material. You then ask for any statements which Borders has made exonerating Judge Hastings in any way, and the Government represents that it has no such statements. It would appear we just have to accept the Government's representation in that respect or in those respects.

MR. HIRSCHHORN: I presume the Government's response also includes my request, as set out at Footnote 5, Page 6 of the motion.

THE COURT: You see, that's the problem. You file a 20-page motion and you want me to find Footnote 5 on Page 6.

MR. HIRSCHHORN: I didn't want you to find it. I wanted the Government to respond to it, Judge. Footnote 5 on Page 6 is very specific and the Government says -- I can't tell whether the Government is denying the existence of whether that occurred or not. I am advised that Mr. Borders was offered -- I believe that Mr. Borders was offered an opportunity to not be where he is sitting now in exchange for delivering the $125,000,

if in fact it was there, to Judge Hastings, at the time of his arrest. We know from what we read in the newspaper that Mr. Borders -- that the money never got out of Mr. Rico's constructive possession and certainly never got anywhere near --

THE COURT: Well, if the Government -- well, the Government has stated that it has in its possession no statement by Borders exonerating Hastings in any way.

MR. HIRSCHHORN: That's probably because Mr. Borders never said, "The Judge didn't do it." And that's the Government's narrow view.

THE COURT: Well, if, as in Footnote 5 on Page 6 of your motion, the Government has a statement that Mr. Borders denied that Judge Hastings was in any way, manner or means involved in Mr. Borders' activities, that, I assume, would be exculpatory material. The Government has represented it does not have any such statements, and I think they have responded to your request.

MR. HIRSCHHORN: Well, your Honor, you have ruled. The Government has responded. I wasn't there the afternoon Mr. Borders was arrested. I don't think they have got a typewritten statement from Mr. Borders. My experience in these matters tells me that a conversation occurred between the FBI Agents, at least one of the prosecutors, and a discussion was had with Mr. Borders. He may have stood mum. He may have stood mute. He may have refused to cooperate, but I think that we're

entitled to know what was offered to Mr. Borders because that, I suggest -- if he was offered the world and he turned it down, that is clearly, I suggest -- well, I shouldn't say clearly -- I suggest it is at least implicitly exculpatory of Judge Hastings. It may not be admissible. You may decide there is not sufficient probative value, but I'm sure there is a 302 written of what occurred at the time of Mr. Borders' arrest and I'm sure there's some mention made in there. I will stand on the balance of the motion as written, your Honor.

THE COURT: Fine. Thank you.

MR. HIRSCHHORN: Your Honor, insofar as Item (g), (9), (g), so the Court understands exactly -- and the Government understands exactly -- what I am looking for, the Government has obviously interviewed many, many people in this case and does not intend to call all of them. The Government simply cannot be put in -- the defendant simply cannot be put in the position of the Government telling him what evidence is favorable or not. Let me give you -- or helpful to --

THE COURT: Now, wait, you are getting back on Brady now.

MR. HIRSCHHORN: No, (9)(g).

THE COURT: I understand, but you're talking about --

MR. HIRSCHHORN: Well in the context of -- I have to in the context of a motion for production of all interview statements of witnesses that the Government does not intend to produce at trial. Let me give you a for instance, your Honor.

And this is not a hypothetical, this is purportedly what occurred.

Some time after Mr. Borders was arrested, Judge Hastings left his hotel in Washington and took a cab to an airport in Baltimore and flew from Baltimore back to Miami or Ft.Lauderdale. I presume -- I presume, I don't know -- maybe I have been watching too many G-Men movies -- I presume that the FBI has located the cab driver and has probably interviewed him and said: "Listen, do you recall picking up a fare at this hotel and driving him to this airport? What did he say in the car? How did he act? Did he appear nervous? Was he calm, cool, was he collected?" Of course, if the cab driver is going to say, "Yeah, this guy was really bent out of shape and he was nervous and he was stuttering," the Government might well try to introduce that at trial. On the other hand, if the cab driver were interviewed and he said: "No, he was just like every other fare, calm, talked to me about football or baseball maybe, the World Series," the Government is not going to call him, and I think that I'm entitled to a review of interview statements of witnesses the Government does not intend to call to see if I can glean any helpful, favorable exculpatory evidence which is consistent with my theory of the defense which is that the Judge left Washington, D.C., yes, in haste, but without any feeling or belief of criminal involvement, and proof of that, I suppose, would be the fact that he left, took a cab ride and acted in a calm and unexcited manner. That's one example of the kind of witness interview that the

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Government is not going to call, and I will stand on my position for whatever authority may be offered there.

THE COURT: The next motion, statement of co-defendants and unindicted co-conspirators. The Government has represented in its response that there are no unindicted co-conspirators and that it has no Bruton statements by Judge Hastings and I assume --

MR.HIRSCHHORN: Excuse me, your Honor. The representation was that there's no post-arrest / or Bruton statements by Mr. Borders. The Government's response is: "In response to this motion, the Government represents that it is in possession of no post-arrest statements made by co-defendant Borders to law enforcement officials that it will seek to introduce at trial." And so I have no further argument in light of the Government's response.

THE COURT: Fine.

The Jencks material, I think we have already taken care of, have we not? The Government has agreed to produce the Jencks material seven days before trial and I believe we resolved that.

MR. HIRSCHHORN: Yes, except, Judge, I would like to point out that Mr. Shorter moved for Jencks under 26.2. Under 26.2. I did not rely on 26.2. Instead, I moved under 18 USC 3500, but --

THE COURT: But they are the same rule.

MR. HIRSCHHORN: Well, not exactly, if I might respectfully point out. When I testified last week in Chicago before the

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Rules Advisory Committee on the Proposed Changes, there are some proposed changes --

THE COURT: Right. One of which would permit the Jencks material to be furnished prior to a supression hearing, for example.

MR. HIRSCHHORN: Yes. I like that change. I like that.

THE COURT: Right. So do I, as a matter of fact. I mean, that's fine. It would solve a lot of problems.

MR. HIRSCHHORN: I testified on behalf of --

THE COURT: But that doesn't help you here.

MR. HIRSCHHORN: Well, because I didn't move under 26.2 and 26.2, your Honor, is reciprocal, so all I'm saying is that if you order me to comply with reciprocity, I will. I just simply point out that we moved under the Jencks Act and not under 26.2. The Jencks Act is non-reciprocal, which I presume is why they changed the rule to impose what we defense lawyers call the reverse Jencks Act because the rule is broader than the Act in terms of who must comply.

THE COURT: Yes, but as far as your motion for early disclosure of Jencks Act materials by the Government is concerned, that's been taken care of.

MR. HIRSCHHORN: Yes, sir.

THE COURT: Seven days.

MR. HIRSCHHORN: Yes, sir.

THE COURT: And are you indicating you are not prepared

to comply with Rule 26.2?

MR. HIRSCHHORN: I'm prepared to comply with whatever you order me to do. I didn't move under 26.2. If you are telling me that the only way I can get my Jencks Act seven days early is by giving reciprocity, then I will do it.

THE COURT: All right. Would you just make a note. If we get to trial, or when we get to trial and if you have any objection to the reciprocity required under Rule 26.2, to raise it at that point.

MR. HIRSCHHORN: Yes, sir.

THE COURT: Right.

MR. HIRSCHHORN: Insofar as the next motion, which is the motion for list of witnesses, again the Government has -- they have offered to give me one so I can't pomplain too much.

THE COURT: Seven days before trial.

MR. HIRSCHHORN: Well, of course, if there's a severance, I suppose it becomes somewhat academic because I will have a list of witnesses from Mr. Borders' trial for which I am very appreciative.

THE COURT: So I think we can move on that. Now you ask for a lot else, though, which you are not entitled to.

MR. HIRSCHHORN: Yes. I will stand on the --

THE COURT: Papers?

MR. HIRSCHHORN: -- on the papers, except I do want to point out to the Court that the Government really is offering

me a list of witnesses but wants to modify the list based on reciprocity. I don't understand what they mean by modification. I mean, obviously --

THE COURT: Well, what they are saying, if I understand, is, yes, we will furnish this list seven days ahead of time but something may develop during the trial and we may find another witness or something of this type and under those circumstances, the Court's understanding is they would be entitled to offer that witness, and certainly you would be entitled to time to prepare to meet that testimony at the trial.

MR. HIRSCHHORN: All right.

THE COURT: This came up as a matter of fact in my Court a while back in one of these drug cases when the night before the Government was -- actually the night before I was about to dismiss the Government's case, a witness appeared in the United States Attorney's Office and told the whole story and was called the next morning.

MR. HIRSCHHORN: Probably a former co-defendant.

THE COURT: The United States Attorney was completely unaware of him until he arrived in his office. Now if that happens here --

MR. HIRSCHHORN: You will carry me out.

THE COURT: All right.

MR. HIRSCHHORN: That, I think, gets us up to the 15th motion, your Honor, motion for production of Government

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witnesses. Your Honor --

THE COURT: For interview by the defendant.

MR. HIRSCHHORN: Yes, your Honor. Let me just preface this, if I might. Mr. Richter and I met along with Special Agents Foster and Murphy of the FBI and they told me that FBI policy is such that they simply will not talk to anyone regarding the facts of the case prior to testifying. Now, we have -- Judge King, as a matter of fact, approved an order entered by the Magistrate in the Black Tuna case which has been entered in several other cases in this Division requiring production of witnesses so that defendant's counsel could attempt to interview them. Of course, when you're dealing with Government Agents, it is really an exercise in futility, because in a very polite but firm way --

THE COURT: Well, in this instance, you know the name of the informant.

MR. HIRSCHHORN: Yes.

THE COURT: You know the name of the undercover Agent.

MR. HIRSCHHORN: Yes.

THE COURT: You, I gather, know who the FBI Agent is going to be.

MR. HIRSCHHORN: Yes.

THE COURT: And you have a perfect right to approach them. The Government can't prevent you from talking with any of them who are willing to talk to you.

MR. HIRSCHHORN: All I need from the Government is, if

they would simply tell me where Mr. Dredge and any other civilian witnesses are, I will be glad to attempt to do my job as an attorney. I don't know where Mr. Dredge is. Mr. Rico shouldn't be too difficult to find through World Jai Lai. I can find him. The FBI Agents, I'm just wasting my time, unless Mr. Murphy changes his mind. No, he hasn't changed his mind. He's not going to talk to me.

THE COURT: Does the Government know where Mr. Dredge is?

MR. WEINGARTEN: No, it does not.

THE COURT: Is he behind bars some place?

MR. WEINGARTEN: No, he has been released from the custody of the courts. I have a feeling that an arrangement has been made with the court in Baltimore and they may know where he is, but the Government, meaning the people sitting here, and the FBI, do not know where he is.

THE COURT: Well, I suggest you contact somebody in Maryland, is it?

MR. HIRSCHHORN: Well, I suspect that Mr. Weingarten could find Mr. Dredge if they needed him within an hour and all I ask -- it would take me days, and I think the Court is well aware of the practical problems. Here's the additional problem, Judge. Mr. Richter reminded me of something. He didn't mean to. I can't contact Mr. Dredge's attorney. I know who the attorney is. The reason I can't contact his attorney is because I used to

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represent his attorney's law firm and there was a potential conflict of interest, so I have stayed away from my former clients. It's very complicated.

THE COURT: Now, wait a minute. If this is true, you shouldn't be representing Judge Hastings.

MR. HIRSCHHORN: Well, I discussed --

THE COURT: If this is important, if this is signficant to Judge Hastings' representation --

MR. HIRSCHHORN: We discussed it.

THE COURT: -- you have a problem, I suggest.

MR. HIRSCHHORN: Well, I discussed this with the Government --

THE COURT: Not with the Government. It's with the -- your own problem.

MR. HIRSCHHORN: Judge Hastings, too.

THE COURT: You mean there's some step you feel you should take to adequately represent Judge Hastings and you don't feel you can take it because of some prior relationship you had with some former client?

MR. HIRSCHHORN: It can be avoided just by the Government telling me where Mr. Dredge is instead of me having to ask Mr. Dredge's lawyer and Mr. Dredge's lawyer saying, "Joel, you're a friend of mine but I can't tell you," or his having to violate the attorney-client privilege. The Government has been well aware of this problem. Judge Hastings is aware of the problem, and the

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Government can avoid it just by telling me where Mr. Dredge is.

THE COURT: All right. Next. There's nothing to prevent Mr. Shorter from finding out this information, I gather. He didn't represent him.

MR. HIRSCHHORN: Nothing at all.

THE COURT: That you are aware of anyway. What's the next one we have? Confidential informants? The Government has represented it will not be calling any confidential informant which would appear to take care of that. The psychiatric evaluation, the Government has represented there has been no psychiatric evaluation of any of its prospective witnesses. And we come to Rule 404, I assume.

MR. HIRSCHHORN: Yes, your Honor. Now, this is what the Government has put under seal.

THE COURT: The Government in its response has represented that it has not yet decided whether it intends to seek to introduce at trial evidence of other bad acts by the defendant or by a defendant, and if it does decide to seek to introduce such evidence, it will notify the defendants and the Court in time so that the defendants can challenge the admissibility of the evidence outside the presence of the jury. It would appear that that would resolve that problem.

MR. HIRSCHHORN: Well, I certainly would like to know that before trial as opposed to during trial.

THE COURT: Certainly, and may I say this, at the final

pretrial conference which we're anticipating 10 days from now, two weeks from now, I would anticipate that the Government would be in a position to let us know if this type of evidence is coming forward. But at this point, the Government hasn't decided -- I guess they have 10 days to make that decision, two weeks.

MR. HIRSCHHORN: There's no question -- I mean, I don't have any problem with that. My concern is that I be notified and the Court direct the Government to notify me prior to trial for two reasons. One is to discover it during trial and then have a recess and then litigate it out of the presence of the jury could take a day or two or longer and certainly would not enable me to prepare properly for --

THE COURT: Let me say this. If the Government is going to be attempting to introduce, under Rule 404(b), evidence that a particular defendant was guilty of so-called prior bad acts and this establishes the pattern and intent and plan, and so forth, certainly the defendants are entitled to know that and the Court's entitled to know that in advance of trial so that the Court can rule in limine as to whether it is going to be admitted or not. Now that may be the day before we actually proceed to trial, but we will resolve that matter at the final pretrial conference and make a little note, except you won't be there.

MR. HIRSCHHORN: Oh, I will be here. I'll be here for that, Judge. I'll be here even whether I am in trial or not.

I think it is important that I --

THE COURT: Without voice or vote?

MR. HIRSCHHORN: Right. Well, I might have things to say, perhaps, except I do have that jury questionnaire that I have been working on. Judge, all I'm saying is before you commit yourself to a firm time period in terms of when the Government has to notify us, notify either Mr. Shorter or myself, I suspect that in terms of developing closing argument, opening statements, things that have to be done prior to trial, finding witnesses, rebuttal testimony, confronting and cross-examining the Government's testimony, it can't be done in a day or two.

THE COURT: We will do our best. Frankly, Mr. Hirschhorn, I anticipate that you and I are going to be about a year older before this case comes back from --

MR. HIRSCHHORN: I hope not. It was my desire to try this case as soon as possible.

THE COURT: I know that, but with an appeal from the prior order which I would anticipate, which I would say I think it is certainly appropriate, I can't conceive that that's going to be finally resolved at the appellate level in the immediate future.

MR. HIRSCHHORN: Is it safe to say, then, Judge, that you are going to just defer on the 404 motion at the present time?

THE COURT: The Court is going to take no action on that

motion at this time in light of the Government's representation that it will -- it has not determined yet whether such evidence is going to be introduced and it will advise defendants and the Court if it determines -- if it attempts to offer such evidence, and the Court is indicating now, and Mr. Weingarten has been taking notes over there, that the Court would be hopeful at least that this could be resolved at the final pretrial conference next week.

MR. HIRSCHHORN: Your Honor, the last matter that there is is this motion for extension of time and in light of what's developed, let me just -- if I could make an observation to the Court. We have filed the amended motion for severance, so that's not a part of this. There are two or three other motions, non-discovery motions. I believe I have exhausted the range of creativity that I have.

THE COURT: And the Court, too.

MR. HIRSCHHORN: Well, perhaps, in terms of discovery. There are a couple of other motions that I intend to file that --

THE COURT: You will have to be specific.

MR. HIRSCHHORN: Well, I am prepared to be specific now. For example, I did discuss this with Mr. Weingarten. I did intend to file an extensive motion asking for the instructions that were given to the Grand Jury at the conclusion or at the beginning of the case to see if the Grand Jury was properly instructed on the law. There is some authority for that if I can show --

THE COURT: All right. We have -- may I say this in that connection, Mr. Hirschhorn -- we have deferred any action on the special motion for disclosure of information pertaining to multiple Grand Jury investigations and in that motion you have included requests for all kinds of information concerning the Grand Jury, docket sheets and witness lists and the specific matter which you raise here. You have already got that in that motion.

MR. HIRSCHHORN: Well, I didn't --

THE COURT: What?

MR. HIRSCHHORN: I didn't sign that motion, Judge, but --

THE COURT: You didn't sign it?

MR. HIRSCHHORN: No, it's a record for Judge Hastings. I intended to supplement it for a different reason.

THE COURT: Well, the motion itself covers just what you requested. Well, anyway, these Grand Jury -- I understand we have deferred ruling on that motion for the Grand Jury materials which Judge Hastings has filed and, if you amend that motion or supplement the motion or you and Mr. Mavrides work out your problems, when we're ready to proceed, we will have to consider the status of that motion then.

MR. HIRSCHHORN: There's another matter, your Honor, involving whether or not the Justice Department or the FBI followed its own internal guidelines with respect to the utilization of this type of investigation. I have a copy of the guidelines which

were published, and I have been studying them, and I don't know whether, even if there were a violation -- I'm not saying there was -- but even if there were a violation in the guideline in connection with the institution of this investigation, I don't know if that would rise to a "due process" level.

THE COURT: All right. The motion filed by Defendant Hastings for an extension of time within which to file additional motions is denied without prejudice to the right of the defendant to request leave to file a particular motion which that defendant may wish to file in the future setting forth sufficient cause as to the reason it was not previously filed.

MR. HIRSCHHORN: If I understand what I should do then, what you are saying is that when I file the motion, attach with it a statement for cause as to why it wasn't previously filed.

THE COURT: That's right, and as to why it wasn't previously filed, and I suggest if you have such motions, you file them right away quick.

MR. HIRSCHHORN: Well, I did the best I could to file what I could.

THE COURT: I mean, don't wait until next September.

MR. HIRSCHHORN: Oh, no, of course not. Your Honor, does that include -- I have not filed any motions that deal with trial proceedings and procedures because I was waiting to see what would go on at the pretrial conference. I haven't filed -- I thought at the last time we were here, you talked about -- you

said you would tell us of your trial procedure at the pretrial conference or the final pretrial conference, so I haven't filed a motion requesting individual voir dire. I thought I would await the outcome. I didn't want to file a formal motion until I --

THE COURT: I tell you, the less paper that's filed the better. At the pretrial conference, I will be discussing with counsel these procedures. If counsel wish the right for counsel individually to voir dire the prospective jurors, I believe I indicated three weeks ago I have never permitted that and do not intend to permit it in this case, but you may make that request. I will incorporate it in the report of the conference whatever ruling I make on it. And matters of that type can be handled at the final pretrial conference. But you won't be there. You may be there, but you won't be a party to it. It will be Mr. Shorter and Mr. Weingarten and Mr. Richter --

MR. HIRSCHHORN: And Mr. Smith.

THE COURT: -- and Mr. Smith, and I believe that's it.

MR. HIRSCHHORN: Well, that's part of the reason I hadn't done it before was because I wasn't certain what the Court's procedure would be. There are a couple of others. I don't know if you require a motion to sequester the jury to be made in advance.

THE COURT: That doesn't have to be made in advance, but it is something I will discuss with counsel. Is it necessary?

Is the trial going to be here? Is it going to be in Atlanta? Is it going to be in Kansas City? You know, I mean, there's all kinds of things. A written motion isn't necessary on that.

MR. HIRSCHHORN: All right. Well, you know, having not practiced before you before, there are areas that I just don't know what your preference is. We also didn't know, and again we don't know, do you require trial briefs?

THE COURT: Yes.

MR. HIRSCHHORN: You see --

THE COURT: And requested jury instructions and that would be normally -- I would normally be entering that order at the pretrial conference asking that or directing, I should say, that trial briefs and requested jury instructions be filed and served upon opposing counsel a week before the start of trial, or five days before the start of trial, the trial briefs specifically addressing the issues upon which you would like the Court to be well advised during the course of the trial. And particularly where we are involved with Fifth or Eleventh Circuit law, and it may differ from First Circuit law, I would hope counsel might assist the Court in calling attention to particular Fifth Circuit cases or Eleventh Circuit cases with which I might not be familiar. But this will all be handled at the pretrial conference truly. And my practice, frankly, is to hold pretrial conferences in Chambers with counsel and try and work out the mechanics of the trial, and down here I understand that it's

always held in the Courtroom and with the Reporter present and I'm attempting to comply.

MR. HIRSCHHORN: Thank you, your Honor.

THE COURT: And may I say, the fact you have not previously appeared before me is my loss, Mr. Hirschhorn. I am looking forward to --

MR. HIRSCHHORN: I walked in here 5 foot 11. I'm not sure I'm going to walk out 5 foot 11, but I will try. Thank you very much.

THE COURT: Counsel, I regret to say before hearing Mr. Weingarten, I would appreciate a five minute recess and hopefully others would, and then I assume we can go right down this list in very short order.

(Recess taken from 4:30 o'clock p.m. to 4:40 o'clock p.m.)

THE COURT: Mr. Weingarten?

MR. WEINGARTEN: Your Honor, perhaps the most expeditious way to proceed would be simply for the Court to direct any questions toward the Government as to any matters that need further enlightenment. Perhaps I should say this, your Honor. We were persuaded by Mr. Hirschhorn's eloquence as to the bill of particulars. Paragraphs 5 through 8 are simply descriptive language as to the scope of the conspiracy charged, but we do recognize there's a possibility of some confusion or some inability to defend without a specific statement and representation by the Government that the conspiracy conceives only of the

Romano case. When there's a representation made in these paragraphs that there are criminal defendants, we speak of the Romano brothers, and when we speak of acts by Judge Hastings, we speak of official acts in the Romano case. By those representations we do not mean to limit our proof if there is 404 evidence that we seek to introduce, but for purposes of the indictment, we do make those specific representations.

THE COURT: And that is made of record at this time.

MR. WEINGARTEN: Yes.

THE COURT: Would the Reporter mark his notes so that this may be recaptured.

(Whereupon, the Reporter so marked his notes.)

THE COURT: Fine. The motion to preserve evidence is no problem; retaining rough notes, no problem; Government disclosure of co-defendant cooperation you submit on your brief?

MR. WEINGARTEN: Yes, your Honor.

THE COURT: Discovery and production. The Court only has one question. Paragraphs 1 and 2 of that motion request tangible items in the possession of the Government seized from or belonging to a defendant and also any oral or written statements, and so forth, made by any defendant. The standing discovery order requires production to a defendant of any such materials either belonging to or made by him. The particular additional material requeste by Judge Hastings' counsel is any such material which was seized from Mr. Borders or any statements made by Mr. Borders.

Is there objection to furnishing that?

MR. WEINGARTEN: Just by way of background, when Mr. Borders was arrested on October the 9th, he was taken into custody. The FBI, pursuant to its normal procedures, made an inventory list of all matters on his person. Those matters were returned to Mr. Borders. We don't intend -- my understanding is that the FBI retained for its own protection a copy or an inventory list of those matters. We don't intend at this point to introduce any of those matters in our case in chief.

THE COURT: I understand you do not.

MR. WEINGARTEN: They were returned to Mr. Borders. We think they are his property and we see no valid legal purpose for turning that sort of material over to a co-defendant.

THE COURT: Well, you don't have it in your possession.

MR. WEINGARTEN: I think the FBI in Washington, pursuant to its normal procedures, retained copies of those materials or a list of those materials. I'm not really certain.

THE COURT: Well, how about statements made by Mr. Borders?

MR. WEINGARTEN: Statements are a different category entirely. We are in possession of no statements made by Mr. Borders.

THE COURT: Well, it would seem appropriate for the Court under Campagnuolo to direct the Government to furnish to defendants, whether or not the Government intends to introduce

the same at trial, any tangible items seized from or belonging to Mr. Borders which are now in the possession of the Government and also any statements made by Mr. Borders. If you have none, just a statement that you have none. I find it difficult to see how the Government would be prejudiced by this and --

MR. WEINGARTEN: As far as possession, I think Mr. Borders may or may not be prejudiced by it. We would have no objection and whatever is in the custody of the FBI presently will be turned over to Defendant Hastings.

THE COURT: All right, and that would include copies of materials, even if -- if you seized from Mr. Borders a document, made a copy of it, returned the document to Mr. Borders, you would produce the copy, right?

MR. WEINGARTEN: I understand.

THE COURT: And do you wish an order on that or are you prepared to --

MR. WEINGARTEN: No, we will comply.

THE COURT: All right.

The Brady/Agurs motion. The only specific requests I have been able to extract from the 19 page motion filed by Mr. Hirschhorn are the six which I indicated. The first one is a request for the opinions of others whom you have interviewed who have said, in substance, "We can't believe Judge Hastings did this." I recognize that such statements would not be admissible in trial. I'm not clear the extent to which they might

lead to admissible evidence, and I recognize the rule of Wigota and other cases, but I'm a little concerned some of these opinions might be found to lead to some exculpatory material, and frankly I find it difficult to understand why the Government feels it would be prejudiced by furnishing any such materials.

MR. WEINGARTEN: Well, only this, your Honor. I know that FBI Agents as a rule do not write down on their interview lists every time a witness or a person being interviewed gives an opinion that this particular defendant or this target is as guilty as sin or as innocent as the new day. I certainly could go through our file and make a list of all the people who gave an opinion, if it's so noted, and I could seek to collect together any and all Agents who conducted interviews and ask them to see if they can recall any other people, but it's not routinely produced. It's not evidence that we would ever be interested in, and I would hope to present as complete a list as possible, but it is so irrelevant I --

THE COURT: Well, I'm not certain. Of course, I don't know what your investigation was, but, if nothing else, it might lead to the discovery of a character witness the defendant might want to use. Unless I hear terribly strenuous objection --

MR. WEINGARTEN: Well, would the Court want -- if we find such a statement, let us suppose hypothetically, and I don't know that such statements exist, that in an FBI 302 the first sentence of the 302 is: "John Jones said that Judge Hastings or

Mr. Borders is a fine person, is not likely to commit crimes," and then the rest of the statement offers substance relating to the case. Would we simply provide a list of such people? Would we excise from this statement the portion where this witness opines about the guilt, or I guess the innocence, of the particular defendant or do we turn over the whole statement?

THE COURT: I would suggest -- I would contemplate that the request only seeks that portion of such a statement in which the witness said, in effect, "He couldn't have done it."

MR. WEINGARTEN: Well, we'll look through our files and query our Agents.

THE COURT: All right. The Georgetown luggage information.

MR. WEINGARTEN: What we know about this, your Honor, is the last time we were in Court, Mr. Hirschhorn came to us and said, "We believe that the Georgetown luggage incident is Brady material." And I said, "Of what do you speak?" And he detailed that on the 9th of October, the day that Mr. Borders was arrested, Judge Hastings at one point went into a luggage shop in Washington. Frankly that was the first I had heard of it, even though there is a tiny reference made to that in the 302, I must have overlooked it, and Mr. Hirschhorn has continued to provide more details about this particular incident. To my knowledge -- my knowledge is the Government's knowledge -- and what we know about it is from Mr. Hirschhorn. Mr. Hirschhorn seemed to allude or infer that there is more information. Mr. Hirschhorn is a perfectly

honorable man and if outside the presence of the Judge he wants to have a discussion with us about further inquiry that should be made by the lawyers for the Government, we welcome it, but to my knowledge all that I know about the Georgetown luggage incident is what Mr. Hirschhorn told me.

THE COURT: Well, what does this have to do with this case?

MR. WEINGARTEN: I frankly await trial. I mean, I don't know. I think Mr. Hirschhorn's point is that during the day Judge Hastings went to the Georgetown luggage place in Washington and sought to buy luggage or couldn't buy luggage or for one reason or another, but I am much more comfortable letting Mr. Hirschhorn explain this because frankly I'm puzzled by it.

THE COURT: Mr. Hirschhorn, do you press this request?

MR. HIRSCHHORN: Well, my request has been answered because now Mr. Weingarten tells us that it's mentioned somewhere in a 302.

MR. WEINGARTEN: It is mentioned in Judge Hastings' 302.

THE COURT: Do you really want that?

MR. HIRSCHHORN: Oh, never mind, if it's only in Judge Hastings' 302.

MR. WEINGARTEN: Let me make that perfectly clear, the reference to the Judge going to this business establishment,

there's a reference made by Judge Hastings in his 302. That document was turned over to Mr. Hirschhorn long ago.

MR. HIRSCHHORN: If Mr. Weingarten says they have no other 302 or investigation regarding that incident and he has searched their files, he is telling me they are not in possession of any 302 on that point. I know how to handle it. I know who the witnesses are and I know how to bring them forward. That's all.

THE COURT: In other words, you are satisfied?

MR. HIRSCHHORN: With his representation that there's no information in his file.

THE COURT: All right. The FBI background investigation of Judge Hastings prior to his appointment as a United States District Judge. Is there any problem in turning that over?

MR. WEINGARTEN: I know that the Department of Justice perceives those documents to be extremely sensitive and has a strong policy against disclosure. I'm certain that if the Court ordered that it be turned over, it would be turned over, but I'm sure my instruction would be, without having specific instructions to vigorously resist that. That it should not be the policy of the Department to turn over such documents unless there's a very, very strong and substantial need during the litigation. We would stand on our representations in the motion that the investigation took place three years ago. It is inconceivable to us that there could be relevant information in that file that

would assist Judge Hastings in his defense here in 1982.

THE COURT: Mr. Hirschhorn, what's going to assist --

MR. WEINGARTEN: There's one other matter that Mr. Richter advised me of. It's the policy when conducting interviews pursuant to one of these background checks to have confidential interviews. It's explained to people who are interviewed that the information will not surface and they are to be as candid as possible under those circumstances, and I know that that would be another reason why the Department would vigorously oppose this.

THE COURT: There is that problem, and I understand because of the Freedom of Information Act, many people are very reluctant to give opinions when the FBI inquires.

Mr. Hirschhorn, to this point you haven't persuaded the Court that this could help your defense in any way.

MR. HIRSCHHORN: Well, I haven't seen it so I don't know whether it will. I mean, for sure it will be admissible. I do know that financial documents were submitted or obtained and a profile presumably of Judge Hastings' life style, which I believe will show that he was a man of modest means and not a high liver not a man given to spending money or to live recklessly or dangerously, although perhaps somewhat romantically, and I think that using that as a starting point or as an opening financial statement, so to speak, I would try to weave a thread throughout the trial of Judge Hastings, that his life style hasn't changed

any, it's consistent with the way it was in 1979, a year or so after this incident. It's hard for me to tell you how I'm going to use it if I am going to use it at all because I haven't seen it. It may be totally unavailable or I may not be able to use it at all, but I would like the opportunity to analyze it to see.

THE COURT: All right. The William Dredge materials. Why is the Government reluctant to furnish the materials requested, concerning William Dredge?

MR. WEINGARTEN: Unless William Dredge's credibility becomes an issue at trial, we believe as a legal matter the materials requested would be irrelevant and for that reason --

THE COURT: That may be. Let's accept that. They might lead to something, though.

MR. WEINGARTEN: Well, but I suppose anything in the world could come under that category.

THE COURT: Well, let me ask this. How would the Government be prejudiced by producing that material?

MR. WEINGARTEN: The plea arrangement that was worked out with Mr. Dredge in Baltimore is a matter under seal in Baltimore. Mr. Dredge could be prejudiced. I'm not sure what position the Court would take in Baltimore. I assume the Court would have no objection to the Government furnishing this Court under seal the nature of the arrangement or the agreement, but we would continue to represent very vigorously that unless Mr. Dredge's credibility is at issue, releasing material that's

under seal in the Court in Maryland would be inappropriate.

THE COURT: And does the Court understand correctly that the next question the Court has, and I believe the last one, relates to the 404 evidence. Does the Court understand correctly that you will be prepared at the pretrial conference the first week in March to advise the Court and defendants as to whether you will be attempting to introduce any so-called bad act evidence?

MR. WEINGARTEN: Yes, with only this proviso. If something dramatic happens in the interim between the pretrial conference and the trial, we, of course, would like to bring it to the attention of the Court and ask leave to reopen any requests that we have. We're talking about situations that could change as time goes on.

THE COURT: I understand. Fine. I don't believe I have any other questions. Maybe you do.

MR. WEINGARTEN: Only this, your Honor. We were serious in our representations that it would be helpful to the Government if defense counsel makes specific requests for Brady material instead of very broad statements so that we could make specific responses and if there's any issue in dispute, we could make submissions to the Court for the Court's in camera inspection. We did not mean to be smart or sarcastic.

THE COURT: I understand that. I understand that.

Of course, we're concerned -- the immediate problem is with respect to Mr. Borders and, if Mr. Shorter has any specific

requests, presumably you will have them.

MR. WEINGARTEN: Sure. A specific request in writing will get a specific response and then it will be before the Court.

THE COURT: Right. Thank you, Mr. Weingarten.

Is there anything further in connection with the so-called discovery motions? Mr. Shorter?

MR. SHORTER: Not from us, your Honor.

THE COURT: Mr. Hirschhorn?

MR. HIRSCHHORN: Will your order reflect that these motions that I have argued, which were adopted by Mr. Borders, will the rulings be as to Mr. Borders alone or as to Mr. Borders and Judge Hastings?

THE COURT: The Court intends at this time to rule on all of the motions on which the Court has heard argument.

MR. HIRSCHHORN: Thank you, Judge.

THE COURT: And the Court is doing so orally from the Bench with the understanding that it will be filing within the next several days a memorandum and order addressing each of these motions to be entered nunc pro tunc as of today. The Court is concerned that the notice of appeal apparently is going to be filed on Monday and, if the written order and memorandum is not received here and filed until Tuesday, it would be a nullity, so to avoid any possible jurisdictional problem, the Court is going to rule now and will be, as previously indicated, filing a

written memorandum and order which I can't possibly get from -- well, very probably won't arrive until after the notice of appeal has been filed.

MR. HIRSCHHORN: Well, I'm sure, your Honor, we will hold up. We will hold up a day filing the notice of appeal to avoid that problem.

THE COURT: You won't have to do that. Just so the record is clear, I will indicate the ruling at this time.

The Court may have previously indicated its ruling on these matters but will do so again.

Of the motions upon which the Court has heard counsel subsequent to the Court's ruling on the motion by Judge Hastings to quash the indictment and dismiss the proceedings for lack of jurisdiction with respect to which the Court has filed a written order, the Court's rulings are as follows: The motion of Judge Hastings, adopted by Mr. Borders, to dismiss Counts I and II of the indictment due to failure to allege crimes is denied. The motion of Mr. Borders to dismiss Counts III and IV of the indictment under the Speedy Trial Act is denied. The motion to compel early production of all Grand Jury testimony filed by Judge Hastings, and adopted by Mr. Borders, is denied. The Court has deferred to the week of March 1st the motions filed by both Judge Hastings and Mr. Borders for a pretrial James hearing. The Court has deferred until the week of March 1st the motion of the Defendant Borders for a change of venue. The Court's rulings on

the various discovery-related motions are as follows: Except to the extent that the Government has agreed orally at this hearing to furnish certain particulars, the Defendant Hastings' motion for a bill of particulars, adopted by the Defendant Borders, is denied. Rather than take the time of counsel to set forth the Court's full ruling, the Court will incorporate its rationale in the written memorandum to be filed. No Court action is necessary with respect to the motions of the Defendant Hastings, adopted by the Defendant Borders, to preserve evidence and for Government Agents to retain rough notes. The motion of the Defendant Hastings to require Government disclosure of co-defendant cooperation, a motion which has not been adopted by Defendant Borders, is denied. The motion of the Defendant Hastings, adopted by Defendant Borders, for discovery and production contains 15 numbered requests. A number of these requests duplicate discovery included within the standing order issued by this Court on January 19th. A number of these requests duplicate requests contained in other motions filed by the Defendant Hastings on which the Court is ruling separately.

With respect to the numbered requests, the Court's rulings are as follows: Except to the extent the Government has agreed at this hearing to furnish the materials with respect to the Defendant Borders, requested in Paragraphs 1 and 2, the discovery sought in these requests is included within Paragraph A(5) and Paragraphs A(1), (2) and (3) of the standing discovery

order, and these two requests are therefore denied. That is, except to the extent the Government has agreed to furnish certain material there requested. No Court action is necessary with respect to Paragraph 3, the Government having agreed to furnish the discovery there sought. The discovery sought in Paragraphs 4 and 6 is included within Paragraph A(5) of the standing discovery order. No Court action is therefore necessary on those requests. The reciprocal discovery which the Government seeks in its response to these paragraphs is also included within Paragraph B(1) of the standing discovery order. The discovery sought in Paragraph 5 is included within Paragraph A(5) and (6) of the standing discovery order, and no Court action is necessary on this request. Paragraph 5 repeated. The Government has furnished -- represents that it has furnished the discovery there sought. No Court action is necessary on that request. The same is true with respect to Paragraph 7. With respect to Paragraph 8, the Government has represented there are no such records and no Court action is therefore necessary. With respect to the material sought in Paragraphs 9 and 15, the defendant has made no showing that the documents there sought are material to the preparation of his defense. These requests are therefore denied. The request contained in Paragraphs 10, 11, 12 and 14 are all for materials relating to investigation of the case by Government Agents. The requests are denied. See Rule 16(a)(2).

Request No. 13 is a request for materials relating to

Grand Jury proceedings. The defendant has shown no particularized need therefor. The request is denied. Reference is made to the memorandum and order to be entered by the Court denying the defendant's motion to compel early production of Grand Jury testimony and the Court's ruling on that portion of the special motion filed by the defendant for disclosure of information pertaining to multiple Grand Jury investigations which overlaps the present request.

The next motion is for production of interview statements of non-trial witnesses, a motion by the Defendant Hastings, adopted by the Defendant Borders, and that motion is denied. The motion of the Defendant Hastings, adopted by the Defendant Borders, for statements of co-defendants, indicted and unindicted, and alleged co-conspirators, so-called Bruton statements, does not require any action by the Court since the Government has represented that it has no such statements. The motion of the Defendant Hastings and separate motion of the Defendant Borders for early production of Jencks material is denied. This Court has no authority to order the Government to turn over Jencks statements prior to trial. The Sixth Circuit Algie case to which the Court previously referred is the most recent law on that question. The Court specifically notes, however, that the Government has voluntarily, although under some duress, agreed to deliver the Jencks material to defense counsel seven days prior to trial, a procedure which is permitted by Rule 26.2 and encouraged by this and other courts. The materials

so furnished are to be available only to the defendant and his counsel. In this instance, the Defendant Borders unless and until the Defendant Hastings again becomes an active defendant in this Court. The Court also notes that defense counsel have agreed to furnish the reciprocal discovery provided by Rule 26.2. The Defendant Hastings' motion for a list of witnesses, adopted by the Defendant Borders, is granted to the following extent: The Government shall furnish, as the Court understands it has agreed to do, a list of the witnesses that it intends to call in its case in chief a full seven days prior to trial. The Government, of course, may, upon a sufficient showing, modify the list in the event a change is made during the course of the trial with adequate notice to the defendants and the Court. In all other respects, that motion is denied. The motion of the Defendant Hastings, adopted by the Defendant Borders, for an order requiring the Government to produce Government witnesses so that defendants' counsel can interview them, is denied. No Court action is necessary on the motion of the Defendant Hastings, adopted by the Defendant Borders, for an order requiring the Government to state whether it intends to call confidential informants, the Government having represented that it has no present intention of calling any such informants and having further agreed that it will promptly notify defense counsel should this intention change. The motion of Defendant Hastings for production of psychiatric evaluations of Government witnesses,

a motion not adopted by the Defendant Borders, does not require any Court action, the Government having represented that it has no such evidence in its possession. No Court action is necessary at this time upon the motions filed by the Defendants Hastings and Borders for disclosure of Rule 404 evidence, the Government having represented that it has not yet decided whether it intends to seek to introduce at trial any such evidence and that if the Government does decide to do so, it will notify the defendants and the Court in time so that the defendants may have an opportunity to challenge the admissibility thereof outside the presence of the jury. The Court understands the Government will be in a position to inform the Court and defendant of its intentions in that respect at the pretrial conference to be held during the first week of March.

The motion of the Defendant Hastings for an extension of time within which to file additional motions is denied without prejudice to the right of that defendant to request such leave with respect to a particular motion in which the defendant shows cause -- sufficient cause -- why it was not timely filed in accordance with the Court's prior order.

The Court has not ruled upon the Brady/Agurs motion and will do so now.

With respect to the defendants -- this is a motion filed by the Defendant Hastings, also adopted by the Defendant Borders. It contains a general request for material "favorable to the

defense" which would fall within the Brady, Agurs, Napue and Giglio rules. It also contains certain specific requests for material assertedly within the scope of those rules. The Government in its response has represented it's not withholding any material to which defendants would be entitled under those cases. The Government's aware of its obligations thereunder but the Government will entertain specific requests made by the defendants and the Government will promptly disclose to defendants any such material of which it may become aware in the future. In light of that representation, the general request for such materials in this motion is denied. The specific requests made by the defendant in this motion are six in number. The Government, again under some duress, has agreed to search its files and produce for defendants' counsel the statements of persons interviewed by Government agents who have expressed surprise, disbelief, and so forth, as to the Defendant Hastings' culpability. In light of the Government's representation, no Court action is necessary on that request. The defendant's request for the so-called Georgetown luggage information is denied. The Court understands that the defendant does not press that request in light of the Government's representations that the information it has was obtained by it from the defendant and his counsel. The defendant's request for the FBI background investigation of the Defendant Hastings prior to his appointment as a United States District Judge in 1979 is denied. The defendant has made no showing the

results of this investigation can be of assistance in his defense in the present case.

The defendant's request for material relating to William Dredge is denied. The Government has represented that Dredge will not testify as a witness at trial and the material sought would appear to only be relevant for impeachment purposes. His credibility will not be an issue since he is not to be called as a Government witness. The Government in its response, the Court notes, has stated that if it determines to call Mr. Dredge as a witness, it will furnish the requested materials to the defense, or if there's any question concerning any of them, will notify the defendants and the Court in time so that the Court can examine the materials, if necessary in camera, and rule upon the request.

The Government having represented it has no Brady material concerning Paul Rico, no Court action is necessary on that request. Similarly, the Government having represented it has in its possession no statements by Defendant Borders that exonerate Defendant Hastings in any way, no Court action is necessary on this request. As indicated, the Court will be filing written memoranda and orders confirmatory of the Court's oral rulings at this time, to be filed nunc pro tunc as of this date.

The following motions filed by the Defendant Hastings are being deferred for consideration, if necessary, after the

appellate process has terminated. These are defendant's motion to dismiss the indictment or issue an order of civil contempt against the Department of Justice, that defendant's special motion for disclosure of information pertaining to multiple Grand Jury investigations, that defendant's amended motion for severance and that defendant's motion to suppress physical evidence seized from his judicial chambers and inner office. The Court will hear counsel during the first week of March on the following motions: The Defendant Borders' motion for a James hearing, the Defendant Borders' motion for a change of venue, the motion filed by the Defendant Hastings, adopted by the Defendant Borders, and possibly to be supplemented by the Defendant Borders, to suppress the electronic surveillance evidence, and following the hearing on those motions, the Court will hold a final pretrial conference and endeavor to agree with counsel as to trial procedures, including problems with respect to the voir dire, peremptory challenges, and so forth, anticipating that we will be proceeding to trial of the Defendant Borders on Monday, March 22nd, as previously set.

Are there any other matters counsel are aware of to be either ruled on at this time or scheduled for the first week in March?

MR. WEINGARTEN: Just this, your Honor. Does the Court expect the Government to respond to the severance motion under the present circumstances?

THE COURT: No, no, the Court is -- I would say no. Any other matters you think of?

MR. WEINGARTEN: No.

THE COURT: Mr. Shorter?

MR. SHORTER: No, your Honor.

THE COURT: How long would you anticipate, Counsel, for these matters, the James -- well, if it's determined a James hearing is necessary, you wouldn't anticipate the hearing next week, but at some time shortly before trial, is that correct?

MR. SHORTER: Yes, that's correct.

THE COURT: And the change of venue is just argument?

MR. SHORTER: I would say, your Honor, that the James motion and the motion for change of venue would all be handled within a matter of a couple of hours.

THE COURT: All right. Now the electronics surveillance, we're talking about -- probably allow a day for that?

MR. SHORTER: It would probably not take that long, your Honor, not a full day.

THE COURT: Well, we are talking probably about two days, would you say, in total?

MR. SHORTER: Yes.

THE COURT: Does that sound right, Mr. Weingarten?

MR. WEINGARTEN: It could happen, but I think we could do everything in a day easily.

THE COURT: Yes, but this has been a long day today.

MR. WEINGARTEN: Yes, that's true.

THE COURT: All right.

MR. WEINGARTEN: Surely not more than two days.

THE COURT: We will do our best. Anyway, I understand that counsel are agreed that Tuesday, March 2nd, at 9:30 a.m. Fine.

Is there anything further? Could I briefly -- I would like to chat in Chambers briefly with Mr. Weingarten and Mr. Shorter, and I don't dare exclude Mr. Hirschhorn, just concerning some problems we might be able to resolve together. This will not be on the record. Just 10 minutes. I don't mean to exclude any counsel, but I find that if there are just two or possibly three counsel, we can accomplish something. If we include everybody it becomes too difficult. Is there any problem on that?

MR. WEINGARTEN: No.

THE COURT: I'm in Judge Atkins' Chambers.

Thank you, Counsel, for your patience during this long day, and we will recess at this time.

(Whereupon, these proceedings were adjourned at 6:33 o'clock p.m.)

CERTIFICATE

I hereby certify that the foregoing is a true and complete transcript of the proceedings above described, all of said proceedings having been reported verbatim by me on the date indicated heretofore.

Harry B. Derry

OFFICIAL COURT REPORTER

HARRY B. DERRY
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
PORTLAND, MAINE 04112

PATRICIA GRAHAM WILLIAMS
Attorney at Law
1700 E. LAS OLAS BLVD SUITE 202, FT LAUDERDALE, FL 33301
TELEPHONE (305) 761-3188

August 6, 1982

Agent Robert B. Foster
U.S. Department of Justice
Federal Burea of Investigation
Washington, D.C. 20535

Re: U.S.A. vs. Alcee L. Hastings
Case No: 81-596-Cr-ETG

Dear Mr. Foster:

The defense team for the Honorable Alcee L. Hastings finds that William C. Dredge, the confidential informant in this case, is vital to the defense. Therefore, every effort is being made to locate him. In that regard, please provide to this office whatever information you may have regarding Dredge's whereabouts or how he can be contacted.

Whatever assistance you may provide will be greatly appreciated.

Sincerely,

PATRICIA GRAHAM WILLIAMS

PGW:jd

RESPONDENT'S EXHIBIT #158

PATRICIA GRAHAM WILLIAMS
Attorney at Law
1700 E. LAS OLAS BLVD. SUITE 202, FT. LAUDERDALE, FL 33301
TELEPHONE (305) 761-3188

August 6, 1982

Agent William Murphy
U.S. Department of Justice
Federal Bureau of Investigation
3801 Biscayne Boulevard
Miami, Florida 33157

Re: U.S.A. vs. Alcee L. Hastings
Case No: 81-596-Cr-ETG

Dear Mr. Murphy:

The defense team for the Honorable Alcee L. Hastings finds that William C. Dredge, the confidential informant in this case, is vital to the defense. Therefore, every effort is being made to locate him. In that regard, please provide to this office whatever information you may have regarding Dredge's whereabouts or how he can be contacted.

Whatever assistance you may provide will be greatly appreciated.

Sincerely,

PATRICIA GRAHAM WILLIAMS

PGW:jd

PATRICIA GRAHAM WILLIAMS
Attorney at Law
1700 E. LAS OLAS BLVD., SUITE 202, FT. LAUDERDALE, FL 33301
TELEPHONE (305) 761-3188

August 6, 1982

Lawrence A. Katz, Esquire
Duckerman, Spaeder, Taylor &
Kolker
Attorneys at Law
1800 M Street, Northwest
Washington, D.C. 20036

Re: U.S.A. vs. Alcee L. Hastings
Case No: 81-596-Cr-ETG

Dear Mr. Katz:

Please be advised that I am one of the attorneys representing Alcee L. Hastings in connection with the charges currently pending against him in the United States District Court for the Southern District of Florida.

As you may know, the Government, in bringing charges against my client, relied in great part on the word of a confidential informant, one William C. Dredge. The Government has since expressed that it does not intend to call Dredge as a witness at trial, and it does not know his whereabouts.

I, as well as the other attorneys representing the Defendant, feel that William C. Dredge is vital to the defense, and, thus, every effort is being made to locate him.

Since you have in the past represented Dredge, perhaps you might be able to re-establish contact with him or might know how he could be contacted. If you can provide any assistance whatever in putting this office in contact with Dredge, it would be most helpful. Also, if you have any knowledge regarding Dredge's prior use as a confidential informant, that information would be greatly appreciated.

Thank you for whatever assistance you may provide.

Very truly yours,

PATRICIA GRAHAM WILLIAMS

PGW:jd

PATRICIA GRAHAM WILLIAMS
Attorney at Law
1700 E. LAS OLAS BLVD., SUITE 202, FT. LAUDERDALE, FL 33301
TELEPHONE (305) 761-3188

August 6, 1982

Roger C. Spaeder, Esquire
Zuckerman, Spaeder, Taylor &
Kolker
Attorneys at Law
1800 M Street, Northwest
Washington, D.C. 20036

Re: U.S.A. vs. Alcee L. Hastings
Case No: 81-596-Cr-ETG

Dear Mr. Spaeder:

Please be advised that I am one of the attorneys representing Alcee L. Hastings in connection with the charges currently pending against him in the United States District Court for the Southern District of Florida.

As you may know, the Government, in bringing charges against my client, relied in great part on the word of a confidential informant, one William C. Dredge. The Government has since expressed that it does not intend to call Dredge as a witness at trial, and it does not know his whereabouts.

I, as well as the other attorneys representing the Defendant, feel that William C. Dredge is vital to the defense, and, thus, every effort is being made to locate him.

Since you have in the past represented Dredge, perhaps you might be able to re-establish contact with him or might know how he could be contacted. If you can provide any assistance whatever in putting this office in contact with Dredge, it would be most helpful. Also, if you have any knowledge regarding Dredge's prior use as a confidential informant, that information would be greatly appreciated.

Thank you for whatever assistance you may provide.

Very truly yours,

PATRICIA GRAHAM WILLIAMS

PGW:jd

PATRICIA GRAHAM WILLIAMS
Attorney at Law
1700 E. LAS OLAS BLVD., SUITE 202, FT. LAUDERDALE, FL 33301
TELEPHONE (305) 761-3188

August 6, 1982

Peter Kolker, Esquire
Zuckerman, Spaeder, Taylor &
Kolker
Attorneys at Law
1800 M Street, Northwest
Washington, D.C. 20036

Re: U.S.A. vs. Alcee L. Hastings
Case No: 81-596-Cr-ETG

Dear Mr. Kolker:

Please be advised that I am one of the attorneys representing Alcee L. Hastings in connection with the charges currently pending against him in the United States District Court for the Southern District of Florida.

As you may know, the Government, in bringing charges against my client, relied in great part on the word of a confidential informant, one William C. Dredge. The Government has since expressed that it does not intend to call Dredge as a witness at trial, and it does not know his whereabouts.

I, as well as the other attorneys representing the Defendant, feel that William C. Dredge is vital to the defense, and, thus, every effort is being made to locate him.

Since you have in the past represented Dredge, perhaps you might be able to re-establish contact with him or might know how he could be contacted. If you can provide any assistance whatever in putting this office in contact with Dredge, it would be most helpful. Also, if you have any knowledge regarding Dredge's prior use as a confidential informant, that information would be greatly appreciated.

Thank you for whatever assistance you may provide.

Very truly yours,

PATRICIA GRAHAM WILLIAMS

PGW:jd

PATRICIA GRAHAM WILLIAMS
Attorney at Law
1700 E. LAS OLAS BLVD., SUITE 202, FT. LAUDERDALE, FL 33301
TELEPHONE (305) 761-3188

August 6, 1982

Jessie McCrary, Esquire
3050 Biscayne Boulevard
Suite 300
Miami, Florida 33137

Re: U.S.A. vs. Alcee L. Hastings
Case No: 81-596-Cr-ETG

Dear Mr. McCrary:

Please be advised that I am one of the attorneys representing Alcee L. Hastings in connection with the charges currently pending against him in the United States District Court for the Southern District of Florida.

As you may know, the Government, in bringing charges against my client, relied in great part on the word of a confidential informant, one William C. Dredge. The Government has since expressed that it does not intend to call Dredge as a witness at trial, and it does not know his whereabouts.

I, as well as the other attorneys representing the Defendant, feel that William C. Dredge is vital to the defense, and, thus, every effort is being made to locate him.

Since you have in the past represented Dredge, perhaps you might be able to re-establish contact with him or might know how he could be contacted. If you can provide any assistance whatever in putting this office in contact with Dredge, it would be most helpful. Also, if you have any knowledge regarding Dredge's prior use as a confidential informant, that information would be greatly appreciated.

Thank you for whatever assistance you may provide.

Very truly yours,

PATRICIA GRAHAM WILLIAMS

PGW:jd

PATRICIA GRAHAM WILLIAMS
Attorney at Law
1700 E. LAS OLAS BLVD., SUITE 202, FT. LAUDERDALE, FL 33301
TELEPHONE (305) 761-3188

August 6, 1982

Dwight Pettit, Esquire
222 St. Paul Place
Baltimore, Maryland 21201

Re: U.S.A. vs. Alcee L. Hastings
Case No: 81-596-Cr-ETG

Dear Mr. Pettit:

Please be advised that I am one of the attorneys representing Alcee L. Hastings in connection with the charges currently pending against him in the United States District Court for the Southern District of Florida.

As you may know, the Government, in bringing charges against my client, relied in great part on the word of a confidential informant, one William C. Dredge. The Government has since expressed that it does not intend to call Dredge as a witness at trial, and it does not know his whereabouts.

I, as well as the other attorneys representing the Defendant, feel that William C. Dredge is vital to the defense, and, thus, every effort is being made to locate him.

Since you have in the past represented Dredge, perhaps you might be able to re-establish contact with him or might know how he could be contacted. If you can provide any assistance whatever in putting this office in contact with Dredge, it would be most helpful. Also, if you have any knowledge regarding Dredge's prior use as a confidential informant, that information would be greatly appreciated.

Thank you for whatever assistance you may provide.

Very truly yours,

PATRICIA GRAHAM WILLIAMS

PGW:jd

PATRICIA GRAHAM WILLIAMS
Attorney at Law
1700 E. LAS OLAS BLVD., SUITE 202, FT. LAUDERDALE, FL 33301
TELEPHONE (305) 761-3188

August 6, 1982

Mr. William Dredge
Bill's Place
12320 West Dixie Highway
North Miami Beach, Florida 33162

Dear Mr. Dredge:

Upon receipt of this letter, it would be greatly appreciated if you would contact me or Andrew P. Mavrides at the above address or telephone number, or Judge Hastings at 731-8176 or Dave. We would like to talk to you to see if what you know about Judge Hastings' case is helpful to his defense, as well as to you.

Thank you very much.

Very truly yours,

PATRICIA GRAHAM WILLIAMS

PGW:jd

PATRICIA GRAHAM WILLIAMS
Attorney at Law
1700 E. LAS OLAS BLVD. SUITE 202. FT. LAUDERDALE. FL 33301
TELEPHONE (305) 761-3188

August 6, 1982

Reid Weingarten, Esquire
U.S. Department of Justice
Public Integrity Section
Criminal Division
Washington, D.C. 20530

Re: U.S.A. vs. Alcee L. Hastings
Case No: 81-596-Cr-ETG

Dear Mr. Weingarten:

The defense team for the Honorable Alcee L. Hastings finds that William C. Dredge, the confidential informant in this case, is vital to the defense. Therefore, every effort is being made to locate him. In that regard, please provide to this office whatever information you may have regarding Dredge's whereabouts or how he can be contacted.

Whatever assistance you may provide will be greatly appreciated.

Sincerely,

PATRICIA GRAHAM WILLIAMS

PGW:jd

Attorney at Law

- RESPONDENT'S EXHIBIT #159 -

November 4th, 1982

Reid Weingarten, Esquire
U. S. Department of Justice
P O Box 50168
F. Street Station, N.W.
Washington, D.C. 20004-0168

Dear Reid,

The defense does not take for granted that the government's case will be the same one presented during the Border's trial, and quite frankly does not know what the government's case will be. Until such time as the government gives some indication of the evidence it will put on at trial, the defense cannot know exactly what evidence will be required to combat the government's case. Therefore, the feasibility of a discovery conference at this time is unrealistic.

Is the government's case essentially the same one as was presented in the Border's trial? What variations should the defense prepare to defend against? Which of the witnesses who testified at the Border's trial will not testify during the Hastings' trial? Will witnesses appear in the Hastings' trial who did not appear in the Border's trial? If so, who are they and for what purpose will they appear? Will the same documents which were admitted in the Border's trial be presented in the Hastings' trial? Will additional documents be presented? If so, which ones and for what purpose?

The defense does not understand the need for any secrecy surrounding the government's case, and Judge Hastings has a clear right to a full opportunity to properly prepare his defense against the government's allegations by being fully apprised as to what those allegations are. The government should diligently seek to avoid even the appearance of "trial by ambush". When the government opens up and reveals its case, the defense will do likewise; however, the government should do so immediately or the discovery conference scheduled for November 16th, 1982 need not take place.

In peace,

ANDREW P. MAVRIDES, P.A.

apm/jpm

IC 430

1 [illegible] LAS OLAS BLVD., SUITE 200, FORT LAUDERDALE, FLORIDA 33301 PHONE (305) [illegible]

U.S. Department of Justice

- RESPONDENT'S EXHIBIT #160 - 9 NOV 1982

Washington, D.C. 20530

Andrew P. Mavrides, P.A.
Attorney at Law
1700 East Olas Boulevard
Suite 200
Fort Lauderdale, Florida 33310

Dear Andy,

I'm writing to respond to your letter of November 4, 1982 concerning the proposed "discovery" conference for November 16, 1982. In that letter, you state that unless the Government "reveals its case," you will not participate in any discovery conference.

As I'm sure you know, the purpose for this conference was to iron out any Rule 16 problems and to attempt to reach stipulations before we returned to Court on November 29, 1982. As I'm sure you also know, Mr. Hirschorn wrote to us on January 25, 1982, after our Rule 16 production, and advised us that "the Defendant will have various books, papers, documents, photographs or tangible objects which he intends to introduce as evidence in chief at the trial." On February 16, 1982, Mr. Hirschorn provided us with "Defendant's Reciprocal Discovery Inventory No. 1," which included bank records, travel records, and court records. Pursuant to Rule 16 we are entitled to know whether or not the February 16, 1982 production was complete or not and if not we are entitled to the rest of the discovery at this time. We anticipate that witness lists, exhibit lists, and Jencks material will be exchanged before trial, a week before trial if the Borders' trial is a guide. In addition, we would like to have your position on the proposed stipulations I mailed to Ms. Williams before we next appear in Court.

The Government has met all its obligations under Rule 16 in this case and your suggestion that more is required before defense discovery obligations are triggered is clearly contrary to Rule 16. I would hope we could resolve this matter informally so as to avoid involving the Court. It is precisely the types of questions you raise in your letter that could be addressed at the conference. I will call you on Friday, November 12, to ascertain your position on these matters.

Sincerely,

Records
Sec. Chron.
Richter (2)✓ IC424

Reid H. Weingarten, Attorney
Public Integrity Section
Criminal Division

cc: Judge Gignoux

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PLAINTIFFS | DEFENDANTS

(1) MARIE LUCIE JEAN and
(2) HEROLD JACQUES on behalf of themselves and others similarly situated; and
(3) THE HAITIAN REFUGEE CENTER, INC., a Not-for-Profit membership corporation,

Petitioners
(cont listing attached)

INTERVENORS as of 6/25/82
1) MIAMI DAILY NEWS, INC.
2) POST-NEWSWEEK STATIONS, FLORIDA, INC.
3) MIAMI HERALD PUBLISHING CO.

(1) DORIS MEISSNER, Acting Commissioner, Immigration and Naturalization Service
(2) JOE D. HOWERTON, District Director, Immigration and Naturalization Service District No. 6;
(3) LEE ROWLAND, Assistant District Directo for Deportations, Immigration and Naturalization Service District No. 6;
(4) FRED ALEXANDER, Immigration and Naturalization Service Officer in Charge Krome Ave. North Detention Facility; and
(5) THE IMMIGRATION and NATURALIZATION SERVICE,

Respondents

CAUSE: HABEAS CORPUS PETITION:
Emergency relief to stay final orders of exclusion and deportation against certain Haitian Refugees.
28 U.S.C. 2241

ATTORNEYS

IRA J. KURZBAN, Esq.
KURZBAN AND KURZBAN
Suite 901
700 Brickell Ave.
Miami, Fl. 33130
Tel: 371-0268

VERA A. WEISZ, Esq.
STEVEN D. FORESTER, Esq.
HAITIAN REFUGEE CENTER, INC.
32 N.E. 54th St.
Miami, Fl. 33137
tel: 757-8538, 757-8781

RICHARD MARSHALL, Esq. AUSA
155 So. Miami Ave.
Miami, Fl.

[illegible] INFANTE, ESQ.
ATTORNEY FOR INS.

7/12/82 DC & CCA pd. (Miami Dailey News).
7/14/82 DC & CCA pd. (Pltf).
7/26/82 DC & CCA PD. (Miami Herald Intervenor)

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID: DATE	RECEIPT NUMBER	C.D. NUMBER	STATISTICAL CARDS: CARD	DATE MAILED
		filing fee pmt		JS 5	JUNE 1981
				JS 6	

UNITED STATES DISTRICT COURT DOCKET

DC 111 (Rev. 3/79)

RESPONDENT'S EXHIBIT #162

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF: LUCIEN LOUIS, et al.	DEFENDANT: ALAN C. NELSON, et al.	DOCKET NO. 81-1260-CIV-[illegible]
		PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS

CONTINUATION LISTING OF PETITIONERS

(4) LUCIEN LOUIS
(5) WILNER LUBERISSE
(6) JEAN LOUIS SERVEBIEN
(7) PIERRE SILIEN
(8) SERGE VERDIEU
(9) MILFORT VILGARD
(10) JOEL CASIMIR
(11) JOB DESSIN
(12) PROPHETE TALLEYVAND

CLASS CERTIFIED BY COURT CONSISTS OF: All Haitian aliens who have arrived in the Southern District of Florida on or after May 20, 1981, who are applying for entry into the United States and also are presently in detention pending exclusion proceedings at various INS detention facilities, for whom an order of exclusion has not been entered and who are either:

1. Unrep by counsel or
2. Rep by counsel pro bono publico assigned by the Haitian Refugee Volunteer Lawyer Task Force of the Dade County Bar Association.

DATE 1981	NR.	PROCEEDINGS JS-5 : X-Cards. EPS	
JUN 10	1	HABEAS Corpus Petition, Copy mailed to Atty. Gen. w/o affidavit f/p	fw
10	2	EMERGENCY motion for a stay of exclusion and deportation and for a hearing thereon, by petitioners.	fw
10	3	MEMORANDUM in support of em. mot for stay of exclusion and deportation and for hearing, by petitioners.	fw
11	4	NOTICE to produce documents at hrg., by petitioners.	fw
11	5	NTOICE to produce witnesses at hrg., by petitioners.	fw
16	6	AMENDED PETITION for Writ of Habeas Corpus and Complaint for declaratory, injunctive and mandatory relief--class action by pltfs.	fw
16	7	NOTICE to produce witnesses @ trial, by pltf.	fw
16	8	NOTICE of taking depositions of Doris Meissner 8/13/81 @ 9:00 AM; David Crosland 8/14/81 @ 9:00 AM; Hon. Joseph W. Monsanto on 8/10/81 @ 9:00 AM; Hon William Nail 8/10/81 @ 1:00 PM; Joe Howerton 8/11/81 @ 9:00 AM and Fred Alexander 8/11/81 @ 1:00,PM, by pltf.	fw
16	9	NOTICE to produce upon defts, by pltf.	fw
16	10	INTERROGS and request for admission upon defts, by pltf.	fw
16	11	NOTICE to produce add. witness at trial, by pltf.	fw
17	12	SUMMONS issued to Doris Meissner Fred Alexander Immigration & Natz. Lee Rowland William French Smith-U.S. Atty General Joe D. Howerton U.S. Atty.	fw
18	13	TRIAL MEMO, by respondents.	fw
18	14	RETURN to amended petition for Habeas Corpus and motion to have parties dropped and claims severed in complt for declaration inj. & Mandaotry relief by fed defts.	fw
23	15	RETURN of service exec. 6/22/81 as to Fred Alexander thru Ann Frank.	fw
23	16	RETURN of service exec. 6/22/81 as to Lee Rowland thru Anne Frank.	fw
23	17	RETURN of service exec. 6/22/81 as to Joe D. Howerton thru Anne Frank.	fw
23	18	RETURN of service exec. 6/22/81 as to Immigration & Natz thru Anne Frank.	fw
26	19	MOTION for leave to file amended petition for writ of habeas corpus and complaint for declaratory, inj. & mandatory relief --class action by petitioners & pltfs.	fw
26	20	MOTION to maintain the amended petition for habeas corpus as class action by pltfs & petitioners.	fw
26	21	MEMO in support of mot to maintain amended petition for habeas corpus as class action, by petitioners.	fw
26	22	MEMO in support of mot for leave to file amended petition and on various procedural issues, by petitioners & pltfs.	fw
29	23	MOTION to maintain the amended petition for habeas corpus as class action, by pltf.	fw
30	24	TRANSCRIPT of Emergency Hrg. before Judge Hastings on 6/12/81 @ 9:30 AM pgs. 1 thru 67.	fw
JULY 7	25	MEMO in response to pltfs' mot to certify class, by defts.	fw
7	26	FINDINGS of fact: (ALH) Respondents' motion to have ptys dropped and claims severed Denied. Respondents have 60 days to prepare and respond to new claims raised in amended petition. (EOD 7/8/81-CCAP)	fw
9	27	ORDER (ALH) motion of respondents granted subpoenas served on William Nail and Joseph Monsanto hereby Quashed. (EOD 7/10/81-CCAP)	fw

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EPS

CIVIL DOCKET CONTINUATION SHEET

81-1260-CIV-KMW

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ___ OF ___ PAGES

DATE 1981	NR	PROCEEDINGS	
JULY 10	28	MOTION to vacate petitioners' final orders of exclusion and to remand to immigration & naturalization service, by respondents. FILED JUL 30	fw
10	29	MEMO in support of respondents' motion to vacate and remand, by respondents.	fw
17	30	MOTION for TRO, by pltf.	
— 20	31	RETURN of summons exec. thru certified mail #0207873 as to Doris Meissner, of I&N 6/18/81.	fw
— 20	32	RETURN of summons exec. thru certified mail #0207872 as to U.S. Atty & Atty General 6/22/81.	fw
27	33	RESPONSE to pltfs' motion for TRO, by deft.	fw
AUG. 6	34	MOTION to file memo in support of TRO in excess of 20 pgs., by pltf.	fw
6	35	MOTION for TRO, by pltf.	
6	36	MEMO in support of Motion for TRO and in response to defts' reply, by pltf.	fw
— 6	37	CONSENT MOTION and memo for ext. of time within which to respond to discovery requests, by fed defts.	fw
—10	38	ORDER (ALH) defts' mot to vacate pltfs' final orders of exclusion and Remand to Immigration and Naturalization service for any lawful proceeding hereby Granted. (EOD 8/11/81-CCAP-M)	fw
—11	--	TRANSMITTAL letter sent to I&N Service.	
12	39	MOTION for preliminary injunction, by pltfs.	fw
12	40	RESPONSE to defts' notice of filing and memo of law in support of pltfs' motion for preliminary injunction, by pltfs.	fw
JULY 20	41	RESPONSE to respondents' motion to vacate petitioners' final orders of exclusion and to remand to Immigration & Naturalization Service, by petitioners.	fw
AUG. 18	42	MOTION for eplargement of time and for continuance of hrg on prel inj., by defts.	fw
18	43	NOTICE of hrg. on prel. inj. 8/20/81 @ 9:00 AM, by MC Clerk.	fw
20	44	NOTICE of filing additional affidavits, by petitioners.	fw
20	45	CERTIFICATE of filing add. interrogs and request for admissions, by petitioners.	fw
24	46	NOTICE of filing affidavits, by defts.	fw
— 24	47	EMERGENCY motion to compel and for continuance of hrg. on class cert. by pltf's.	fw
24	48	MEMO in response to motion for prel inj. and for class certification, by defts.	fw
24	49	RESPONSE to em. mot to compel and for cont. of hrg. of class cert. by defts.	fw
24	50	SUPPLEMENTAL pldg and 2nd AMENDED COMPLT for declaratory, inj. & Mandatory relief--class action, by petitioners.	fw
24	51	MOTION for leave to file supplemental pldg and 2nd am. complt., by pltfs.	fw
24	52	MEMO of law in support of mot for leave to file supplemental pldg and 2nd amended complt, by petitioners.	fw

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81-1260-CIV-ALH TS

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO _____ PAGE ___ OF ___ PAGES

DATE 1981	NR	PROCEEDINGS	
AUG. 24	53	MEMO in support of mot for class action cert., by pltfs.	fw
—24	54	ORDER (ALH) defts shall produce documents requested no later than 8/26/81. Defts shall answer all interrogs and req. for adm. no later than 8/26/81. Rescheduled hrg on class cert. for 9/2/81 @ 9:30 AM. (EOD 8/26/81-CCAP)	fw
25	55	NOTICE of tkg depos. on 8/31/81 of Steven D. Forester @ 4:00 PM, Gerard Jean-Juste @ 3:00 PM; on 8/27/81 beginning @ 9:00 AM of Jean Louis Servebian, Pierre Silien, Serge Verdieu, Milfort Vilgard, Joseph Calixte, Lemol LeBlanc and Wadestrad Lombard and again on 8/31/81 @ 1:00 PM of Laurel D. White and Albert J. Krieger @ 2:00 PM of Vera A. Weisz, by defts.	fw
26	56	MOTION for reconsideration and for an expedited hrg. and for prot order, by respondents.	fw
— 26	57	MEMO in support of mot for reconsideration, by respondents.	fw
28	58	MEMO in opp to defts' motion for reconsideration and protective order, by pltf's.	fw
28	59	MEMO of law on standing of the Haitian Refugee Center, Inc., by pltfs.	fw
28	60	MOTION for protective order, by Steven D. Forester.	fw
28	61	MOTION for protective order, by Vera Weisz.	fw
28	62	MOTION for protective order, by Jean Louis Servebian, Pierre Silien, Serge Verdieu, Milfort Vilgard, Joseph Calixte, Lemol Leblanc and Wadestrad Lombard. (Pltf)	fw
— 31	63	MOTION for civil contempt, by pltf.	fw
31	64	MOTION and memo for clarification and notice of filing, by defts.	fw
*JUN. 17	65	TRANSCRIPT of hrg. before Judge Hastings on 6/17/81 @ 10:00 AM pgs 1 thru 105.	fw
SEPT. 1	66	TRANSCRIPT of hrg. before Judge Hastings on 6/22/81 @ 10:00 AM Vol. 2 pgs 1 thru 291.	fw
1	67	TRANSCRIPT of hrg. before Judge Hastings on 6/23/81 @ 10:00 AM Vol. 3 pgs 1 thru 226.	fw
1	68	TRANSCRIPT of hrg. before Judge Hastings on 6/24/81 @ 10:00 AM Vol. 4 pgs. 1 thru 141.	fw
1	69	TRANSCRIPT of hrg. before Judge Hastings on 6/29/81 @ 9:30 AM Vol. 5 pgs. 1 thru 101.	fw
2	70	SUPPLEMENTAL memo in support of mot for prel inj and in response to defts' 1st amendment argument, by pltf.	fw
2	71	NOTICE of filing additional affidavits, by pltf.	fw
— 2	72	NOTICE to produce at trial, by pltfs.	fw
—2	73	NOTICE of filing supplemental affidavits in support of mot for prel inj., by pltfs.	fw
—3	74	DEPOSITION of Kathy Price taken 9/1/81 @ 12:05 AM. w/attachment.	fw
—3	75	DEPOSITION of Cecilio L. Ruiz, Jr. taken 8/31/81 @ 6:00 PM.	fw
—3	76	DEPOSITION of Laurel D. White taken 8/31/81 @ 1:30 PM.	fw
—3	77	DEPOSITION of Leroy Frederick taken 8/31/81 @ 3:10 PM.	fw
—3	78	DEPOSITION of Alan Friess taken 8/26/81 @ 10:15 AM. w/ exhibit.	fw
—3	79	DEPOSITION of Joseph W. Monsanto taken 9/1/81 @ 2:30 PM.	fw
—8	80	DEPO of Jeffrey Goldstein, taken 9/1/81 @ 9:10 AM.	fw

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 81-1260-CIV-EPS ALH
MARIE LUCIE JEAN	DORIS MEISSNER, INS	PAGE ___ OF ___ PAGES

DATE 1981	NR.	PROCEEDINGS
Sept. 4	81	DEPO of Serge Vedieu taken 9/2/81 @ 12:55 PM. fw
—4	82	DEPO of Cestmoi LeBlanch taken 9/2/81 @ 12:45 PM. fw
—4	83	DEPO of Vilgard Milfort taken 9/2/81 @ 12:20 PM. fw
—4	84	DEPO of Wagestrand Lombard taken 9/2/81 @ 12:10 PM. fw
—4	85	DEPO of Pierre Silien taken 9/1/81 @ 11:15 AM. fw
—4	86	DEPO of Severbien Jean Louis taken 9/1/81 @ 10:00 PM. fw
—4	87	DEPO of Steven David Forester taken 9/1/81 @ 6:40 PM. fw
8	88	NOTICE of filing add. affidavits, by pltfs. fw
—9	89	NOTICE of filing add. affidavits, by pltf. fw
9	90	ORDER (ALH) Granting pltf's mot for leave to file supp pldg and 2nd amended complt. (EOD 9/15/81-CCAP) fw
9	91	TRANSCRIPT of hrg. 9/2/81 before Judge Hastings pgs 1 thru 156. fw
15	92	TRANSCRIPT O Brg. 9/8/81 @ 4:40 PM before Judge Hastings pgs 1 thru 192. Vol. I. fw
—18	93	LETTER to Judge Hastings re: Fils-Aime Schiller from Vera A. Weisz. fw
18	94	RENEWED Mot for civil contempt as to defts for non compliance w/ previous court orders, by pltfs. fw
18	95	WRITTEN submission pursuant to 28 C.F.R. 16.21, by pltfs. fw
—18	96	NOTICE of tkg depos on 9/25/81 of Frank Lyons @ 1:30 and James Spear @ 3:30 PM; 9/28/81 of Hugh Brian @ 10:00 AM and Paul Schmitd @ 1:00 PM and Joan Arrowsmith @ 3:00 PM; on 10/1/81 of Francis Maiolo @ 10:00 AM, Tom Ragnow on 10/2/81 @ 9:30 AM & Gordon Sacks @ 3:00 PM and on 10/5/81 of Joe Howerton @ 9:00 AM, Hon. Neil Foster @ 1:00 PM and Hon Henry Scroope @ 4:00 PM, by pltfs. fw
21	97	MOTION to Intervene, by Southern Cristian Leadership Conference. (Complaint of intervenors attached). rw
21	98	MOTION to waive court costs, by Southern Cristian. rw
21	99	REQUEST for admissions, by Southern Cristian. rw
—21	100	TRANSCRIPT of proceedings at hearing on 9/9/81. (Pages 1-126). rw
—21	101	TRANSCRIPT of proceedings at hearing on 9/3/91. (Pages 1-67). rw
22	102	AFFIDAVIT of Vera Weisz re deportation of Haitians. rw
22	103	EMERGENCY MOTION for stay of deportation and for a hearing thereon, by Pltfs. rw
22	104	ORDER (SMA) granting stay to 9/24/81 of deportation. (EOD-9/28/81-CCAP). rw
25	105	CONSENT MOTION for ext of time to 9/25/81 to answer, with memo, by defts. rw
25	106	CONSENT motion for ext of time to 9/28/81, with memo, by defts. rw
—28	107	Copy of letter to the court from defts re order of 9/9/81. rw
28	108	MOTION to dissolve temporary Restraining order, by defts. rw
28	109	MEMO in support of above motion, by defts. rw
—30	110	MOTION to strike M/DS and to enter default judgment. rw
—30	111	MOTION to compel, by pltfs. rw
30	112	CONSENT MOTION and memo for ext of time to resp to mot to intervent, by defts. rw
30	113	MOTION to dismiss or transfer, by defts. rw
30	114	MEMO in supp of their mot to dismiss or transfer and for trial, by defts. rw
30	115	ORDER (ALH) granting temporary restraining order. (EOD-10/5/81-CCAP). rw

cont'd

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 81-1263-CIV-ALH mc PAGE ___ OF ___ PGS. PAGES

DATE	NR	PROCEEDINGS	
1981			
Sep. 30	116	ORDER (ALH) granting pltfs' Motion for Class Certification. Class is certified and defined as noted herein. (EOD-10/5/81-CCAP).	rw
Oct. 1	117	MOTION for clarification of Court's order granting class certification, by pltfs.	rw
2	118	SUPPLEMENTAL submission with respect to vol withdrawals, by defts.	rw
—6	119	ORDER (ALH) : TRO entered 9/30/81 has dissolved and is converted into and to be cont'd as a Preliminary injunction. Defts are enjoined from deporting all Haitian aliens who have arrived in the Southern District of Florida on or after 5/20/81 who applying for entry into the U.S. and presently held in detention facilities. See order for further details. (EOD-10/10/81-CCAP).	rw
7	120	MOTION for ext of time to resp to pltfs' motions, by defts.	rw
7	121	RESPONSE to order to produce, by defts.	rw
6	122	NOTICE of In Camera submission on voluntary withdrawals, by defts.	rw
—13	123	NOTICE of filing supp. affidavit of Lawrence M. Linden, by pltfs.	fw
13	124	MOTION to dissolve or modify the prel. inj. and TRO and immediate hearing, by defts.	fw
13	125	MOTION and memo to file memo in excess of 20 pages, by defts.	fw
—13	126	MEMO in supp. of mot to dissolve or modify the prel inj. and TRO and for immediate hrg, by defts.	fw
—14	127	MOTION and memo for enl. of time to resp. to mot to intervene of Southern Christian Leadership Conf., by deft.	fw
—14	128	MOTION and memo for enl. of time to respond to pltfs' mot for cert. of class, by deft.	fw
19	129	MEMO in opp to motion to compel prel. statement, by defts.	fw
—19	130	MOTION & memo for ext. of time, by defts.	fw
—19	131	REPLY to pltfs' renewed motion for civil contempt, by defts.	fw
19	132	REPLY to pltfs' motion to dismiss and to enter default judgment, by defts.	fw
19	133	NOTICE of filing documents enumerated in defts' resp to Order to produce on 10/7/81, by deft.	fw
—19	134	NOTICE of tkg depo of Charles Sava 10/23/81 @ 10:00 AM, by pltfs.	fw
20	135	MEMO in opp to motion to intervene by Southern Christian Leadership Conf., by deft.	fw
20	136	RESPONSE to pltfs' mot for clarification of crt's order granting class certification, by defts Doris Meissner, et al.	aj
—22	137	DEPOSITION of Judge Neale S. Foster taken 10/5/81 @ 10:10 AM.	fw
—22	138	DEPOSITION of Henry G. Scroope, Jr. taken 10/5/81 @ 2:10 PM.	fw
21	139	LETTER to Richard A. Marshall. AUSA re: "voluntarily return" to Haiti, from Ira J. Kurzban.	fw
23	140	NOTICE of tkg depo on 11/4/81 @ 1:00 PM of Patrick Baussan, @ 10:00 AM of Pierre M. Armand; on 11/6/81 @ 3:00 PM of Phillip Talleyrand @ 10:00 AM of Gary Menard and on 11/13/81 @ 10:00 AM of Rev. Jean Juste., by defts.	fw
—27	141	DEPOSITION of Ernest Michael Trominiski taken 8/27/81 @ 2:30 PM.	fw
—28	142	LETTER to Mr. Kurzban re: provide ycu w/notice should Haitians desire to return to Haiti, from R. Marshal, Jr. AUSA.	fw

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 81-1760-CIV
		PAGE ___ OF ___ PAGES

DATE 1981	NR	PROCEEDINGS	
OCT. 28	143	ORDER (CA for ALH) pltfs to respond within 5 days to motion to dissolve or modify prel inj and TRO. (EOD 10/29/81-CCAP)	fw
29	144	MOTION to enlarge time to answer defts' mot to dissolve prel inj, by pltfs.	fw
29	145	NOTICE of supp. citation for defts' memo in supp. of mot to dismiss or transfer and for trial, by defts.	fw
29	146	MOTION to file memo in opp to defts' memo in supp. of their mot to dismiss or transfer and for trial in excess of twenty pages, by pltfs.	fw
29	147	MEMO in opp to defts' memo in supp. of their mot to dismiss or transfer and for trial, by pltfs.	fw
30	148	EMERGENCY MOTION and memo to shorten time for pltfs' to respond to motion to dissolve prel inj & TRO and for immediate hrg., by defts.	fw
30	149	MOTION to shorten time to comply w/discovery requests w/memo, by defts.	fw
— 30	150	CERTIFICATE of service for discovery requests, by defts.	fw
30	151	INTERROGS and requests to produce documents, by defts.	fw
* 29	152	ORDER (CA for ALH) pltf shall have 14 day ext. to resp. to defts' mot to dissolve prel inj. (EOD 11/2/81-CCAP)	fw
NOV. 2	153	EMERGENCY motion for stay and for continuance of TRO, w/memo, by pltfs.	fw
4	154	MOTION & memo for emergency hrg. on defts' mot to dissove prel inj. and TRO for immediate hrg w/memo, by defts.	fw
— 5	155	ORDER (SMA) action defts outline in letter to Chief Judge 10/29/81 deportation and repatriation of four hundred (435) Haitian aliens who defts claim wish to w/draw appl. for admission to USA and return to Haiti prohibited by previous orders of Judge Hastings. (EOD I1/5/81-CCAP)	fw
— 5	156	NOTICE of status conference on 11/6/81 @ 9:00 AM before Judge Kehoe on defts mot to dissolve prel inj, etc., by defts.	fw
— 6	157	RESPONSE to defts' motion to shorten time to comply w/discovery requests w/memo, by pltf.	fw
—9	158	LETTER to Mr. Marshal re: to inform you that as of 5:00 pm on 11/5/81 neither Phillip Talleyrand nor Gary J. Enard have been served w/notices of deposition for 11/6/81, by Haitian Refugee Ctr. Vera A. Weisz.	fw
—9	159	NOTICE to produce witnesses at trial 11/9/81 @ 3:00 PM, by petitioners.	fw
—11	160	LIST of proposed questions, by defts.	fw
—11	161	QUESTIONS to be presented to special master. by pltfs.	fw
—11	162	NOTICE of filing affidavit of Bonny Depeine, by pltfs.	fw
12	163	MEMO in opp to defts' mot to dissolve or modify the prel inj. and TRO and for immediate hrg., by pltfs.	fw
13	164	REPLY memo in supp. of pltfs' mot to compel tkg of depos, by pltfs.	fw

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(Rev. 7-75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 81-1260-CIV-ALH
		PAGE ___ OF ___ PAGES

DATE 1981	NR.	PROCEEDINGS	
NOV. 13	165	DEPOSITION of Doris H. Meissner taken 9/1/81.	
13	166	NOTICE of filing depo of David W. Crosland, III 9/1/81, by defts.	fw
* 2	167	LETTER to Judge Atkins re: repatriating Haitians who have withdrawn their applications for admission, from Richard A. Marshall, Jr. AUSA.	fw
* 2	168	LETTER to Judge Aronovitz re: Prepared to transport Haitians from USA and Puerto Rico wishing to return to Haiti from Richard A. Marshall, Jr. AUSA.	fw
13	169	ORDER (JWK) apptg special master-Joel Hirschhorn, Esq. and interpreter Viviane Boulos special master's interpreter. (EOD 11/17/81-CCAP)	fw
14	170	ORDER (JWK) Modifying prel inj. as to those Haitians having withdrawn applications for admission (List attached). (EOD 11/17/81-CCAP)	fw
19	171	MOTION and memo of law to assign this case to a Judge for all purposes, by Govt.	fw
19	172	CERTIFICATE of service, by USA.	fw
19	173	MOTION for class action decertification, by deft.	fw
19	174	MEMO of law in support of mot to decertify class and for hrg., by Govt.	fw
24	175	MEMO in response to defts' motion to modify prel inj as to Haitians seeking voluntary repatriation at Ft. Allen, PR., by pltfs.	fw
23	176	ORDER (JWK) Modifying prel inj.: as to those individuals whose names and Immigration "A" file nos. are listed on attached schedule. (EOD 11/25/81-CCAP)	fw
24	177	MOTION to modify prel inj. as to Haitians seeking vol. repatriation at Ft. Allen, PR., by defts.	fw
25	178	NOTICE of filing corrected mot and memo to modify prel inj. as to Haitians seeking voluntary repatriation at Ft. Allen, by defts.	fw
25	179	MOTION to modify prel inj. as to Haitians seeking vol. repatriation at Ft. Allen, P.R., by defts.	fw
25	180	MEMO in supp. of mot to modify prel inj. as to Haitians seeking repatriation at Ft. Allen, P.R., by defts.	fw
25	181	ORDER (JWK) Deft's mot to modify prel inj Granted and defts may immediately repatriate upon entry of this order all Haitians located at Fort Allen, P.R. who have or will w/draw appl. for adm. into U.S. Finds this cause certified as class action. (EOD 12/1/81-CCAP)	fw
DEC. 2	182	CERTIFICATE of service of motion to decertify class and for hrg., by pltfs.	fw
3	183	ORDER OF REASSIGNMENT to Calendar of Judge Eugene Spellman. (EOD 12/3/81-CCAP, by F. T., Clerk.	fw

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A. U. Clerk's Office
BC

RESPONDENT'S EXHIBIT #164

30

FILED

MAR 2 < 1982

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA)
)
v.) Case No. 81-596-Cr-ETG
)
WILLIAM A. BORDERS, JR. and)
ALCEE L. HASTINGS)

TRANSCRIPT OF PROCEEDINGS AT HEARING ON DEFENDANT'S PRETRIAL MOTIONS

Pursuant to notice, the above-entitled matter came on for hearing before Hon. Edward T. Gignoux, Chief Judge, United States District Court, District of Maine, sitting by designation of the Chief Justice as a United States District Court in the Southern District of Florida, at the United States Post Office and Courthouse, Miami, Florida, on Tuesday, March 2, 1982, at which time and place the following proceedings were had:

APPEARANCES:

For the Government: Reid H. Weingarten, Esq.
Robert I. Richter, Esq.
Public Integrity Section,
Criminal Division
Department of Justice
Washington, D.C.

For Defendant Borders: John Shorter, Esq.
Washington, D.C.

H. T. Smith, Esq., Miami

For Defendant Hastings: Joel Hirschhorn, Esq., Miami

James J. Hogan, Esq., Miami

Joseph Mincberg, Esq., Miami

HARRY B. DERRY
OFFICIAL COURT REPORTER
U.S. DISTRICT COURT
PORTLAND, MAINE 04112

APPEARANCES (Continued):

For Defendant Hastings (Continued): Andrew P. Mavrides, Esq.
Ft. Lauderdale, Florida

Terence J. Anderson, Esq.
Coral Gables, Florida

+++++++

(In open Court at 9:30 o'clock a.m.)

THE COURT: Good morning, Counsel.

(Replies of "Good morning, your Honor.")

THE COURT: As counsel are aware, this is a hearing on various pretrial motions filed by the defendants in Case No. 81-596-Cr-ETG, the action of the United States of America, Plaintiff, versus William A. Borders, Jr., and Alcee L. Hastings, Defendants.

The Court asked one of its Law Clerks to hand out to counsel an agenda for the proceedings setting forth the order in which the Court suggests it might hear the various motions which are pending before it. Before proceeding, the Court will start by noting the appearances of counsel.

Appearing, first, for the United States?

MR. WEINGARTEN: Reid Weingarten, your Honor.

MR. RICHTER: Robert Richter.

THE COURT: Mr. Weingarten and Mr. Richter. Good to see you both again.

MR. WEINGARTEN: Thank you, your Honor.

THE COURT: And for the Defendant William A. Borders, Jr.?

MR. SHORTER: John A. Shorter, Jr., sir.

MR. SMITH: H. T. Smith, your Honor.

THE COURT: And Mr. Shorter and Mr. Smith.

MR. HIRSCHHORN: Your Honor, Joel Hirschhorn for the Defendant Hastings.

THE COURT: Will you hold up just a moment, Mr.Hirschhorn.

MR. HIRSCHHORN: Sure.

THE COURT: And I'm very happy to see Mr. Shorter and Mr. Smith again.

MR. SHORTER: Thank you.

THE COURT: And appearing for the Defendant Hastings as of this moment, Mr. Hirschhorn, who has just identified himself, and --

MR. HOGAN: Your Honor, James J. Hogan. I am of counsel with Mr. Hirschhorn. This is Joe Mincberg who was with me on the papers.

MR. MINCBERG: Good morning.

THE COURT: Mr. Hogan and Mr. Mincberg.

MR. ANDERSON: Terence Anderson, your Honor, again.

THE COURT: And Professor Anderson.

Are there any other appearances?

(No response.)

THE COURT: The record indicates that Andrew Mavrides and William Waterman also appear.

MR. HIRSCHHORN: Your Honor, Mr. Waterman -- I spoke with

Mr. Waterman last night. He is in trial in Federal Court in Detroit, Michigan, and so therefore he cannot be here today. I have spoken with Mr. Mavrides and he assured me he would be here today. I don't know where he is.

THE COURT: Is either defendant present, Mr. Shorter? Mr. Borders?

MR. BORDERS: Yes, your Honor, I'm here. Thank you.

THE COURT: And is Judge Hastings present?

MR. HIRSCHHORN: No, your Honor. He is not.

THE COURT: All right.

Well, when the Court arrived this morning, it was furnished a copy of a motion by Mr. Hirschhorn for leave to withdraw as attorney of record for the Defendant Alcee L. Hastings. The motion sets forth that that defendant and Mr. Hirschhorn have discussed this motion and that defendant concurs in Mr. Hirschhorn's request to withdraw. Further, that the withdrawal will not delay these proceedings as there are other counsel of record, Mr. Mavrides and Mr. Waterman, who remain as attorneys of record for Defendant Hastings. Neither Mr. Waterman nor Mr. Mavrides are present in the Court at this time.

Professor Anderson, are you authorized to represent Judge Hastings for the purposes of this proceeding?

MR. ANDERSON: No, your Honor. I can only represent Judge Hastings with respect to the appeal and related proceedings. That is the extent of my authority, and also the extent of my

competence.

THE COURT: The Court will accept the first statement but take exception to the second one.

Is there any reason you perceive, Mr. Hirschhorn, or Professor Anderson, why the Court should not proceed to the first matter on the list which is the motion of Defendant Hastings to stay proceedings pending appeal?

MR. ANDERSON: I can see no reason why we can't agree to that, your Honor. That is my position and I am authorized to handle that.

THE COURT: All right. Well, the Court will proceed. In the meantime, could someone -- Mr. Mavrides' office is in Ft. Lauderdale?

MR. HIRSCHHORN: Your Honor, I will have someone -- one of my Law Clerks will call Mr. Mavrides' office and see if we can locate him.

THE COURT: All right. Fine. The Court will simply defer action on your motion to withdraw, Mr. Hirschhorn, until some counsel is present who can represent that defendant.

MR. HIRSCHHORN: Fine.

THE COURT: There was filed in this Court on last Friday, February 26th, a notice of appeal by the Defendant Alcee L. Hastings to the United States Court of Appeals for the Eleventh Circuit from the order of this Court entered February 17, 1982, denying that defendant's motion to quash the indictment and dismiss

proceedings for lack of jurisdiction. Accompanying the notice of appeal is a motion to stay proceedings in this Court pending that appeal on behalf of the Defendant Hastings submitted by his attorney Professor Anderson. Is there objection on the part of the United States to this motion?

MR. RICHTER: It is my understanding, your Honor, that you have pretty much granted that request last time we were in Court. I think in order to deny that, you would have to find that the matter was frivolous, so I --

THE COURT: It would be very difficult to do, would it not?

MR. RICHTER: Much as I think it is without merit, I don't think I can say it is frivolous.

THE COURT: Mr. Shorter, does Mr. Borders have any position on this?

MR. SHORTER: No, your Honor.

THE COURT: All right. There being no objection, then, the motion to stay proceedings in this Court pending appeal is granted. Antic'pating that there would be no objection, the Court prepared an order which the Court will execute at this time. After the initial recitals, the order simply is as follows: That the motion of Defendant Hastings to stay proceedings pending appeal is granted; that further proceedings in this action against the Defendant Alcee L. Hastings are stayed pending disposition of his appeal from the order of this Court filed February 17, 1982.

denying his motion to quash indictment and dismiss proceedings for lack of jurisdiction. I believe, Professor Anderson -- would that order receive an A at your law school?

MR. ANDERSON: It certainly would, your Honor.

THE COURT: Then the Court will execute it.

(Whereupon, the Court executed the document.)

THE COURT: The order has been signed and entered. Do you need a copy?

THE CLERK: No, sir.

THE COURT: The Court also received yesterday a copy of a motion filed by Mr. Weingarten and Mr. Richter to the United States Court of Appeals for the Eleventh Circuit requesting an expedited schedule for disposition of the appeal in question. The Court assumes, Mr. Weingarten, you have heard nothing from the Eleventh Circuit as to a schedule?

MR. WEINGARTEN: We have not heard yet, your Honor.

THE COURT: Was that filed Friday?

MR. WEINGARTEN: Yes.

Your Honor, in connection with that, we have today with us a motion for a continuance that we would like to file. I don't know if this is the appropriate time but I would want the Court to be aware of that.

THE COURT: Right. This would be a continuance of the proceedings as against Mr. Borders?

MR. WEINGARTEN: Mr. Borders, yes.

THE COURT: Right. If you have the motion, why don't you file it now and give copies to counsel.

MR. WEINGARTEN: Yes, sir. Here's the original. (Handing a document to the Clerk.)

In addition, your Honor, in anticipation of that continuance motion, we have responded to Defendant Hastings' severance motion and we have that as well.

THE COURT: Oh, fine.

(Whereupon, the documents were distributed.)

THE COURT: Is this the original?

THE CLERK: Yes, sir, it is.

MR. WEINGARTEN: Your Honor, as to the severance motion, there's an unfortunate typographical error that we noted after the time we could change it, and I would like to note it for the record if I might. On Page 3, Subparagraph 1, it presently reads "severance of counts." It should read "severance of defendants."

THE COURT: Which motion --

MR. WEINGARTEN: The severance motion.

THE COURT: Is this opposition to Defendant Hastings' motion for severance?

MR. WEINGARTEN: Yes. On Page 3, Subparagraph 1, it reads presently "severance of counts". It should read "severance of defendants".

THE COURT: I see. I will make that physical change.

MR. WEINGARTEN: Yes. Thank you, your Honor.

THE COURT: On the document.

(Pause.)

THE COURT: The Court has reviewed the motion for a continuance filed by Mr. Weingarten. It's very difficult -- well, Mr. Shorter?

MR. SHORTER: Yes, your Honor. Your Honor, this is a motion that should be addressed with some immediacy but very honestly, I have not had an opportunity to review any of the authorities indicated in the Government's motion. It would be my suggestion that we be afforded a brief reasonable amount of time in which to respond to the motion and perhaps have a hearing within the next four or five days, if possible. I don't see how we could possibly conclude or resolve this motion in any shorter period.

THE COURT: Well, certainly the Court wouldn't expect you to respond this minute. But what is the general position of Mr. Borders on this?

MR. SHORTER: We would oppose the motion, your Honor.

THE COURT: You would wish to proceed to trial?

MR. SHORTER: Yes, yes, very definitely. And I think that the Court and the Government should have the advantage of our position if required in writing and then argued.

THE COURT: Well, the Court is generally familiar with the provisions of the Speedy Trial Act in question. It would

appear to be discretionary with the Court to grant a continuance for a reasonable period of delay and there are really two considerations. Presumably we will know within the next week or 10 days whether the Eleventh Circuit is prepared to move with reasonable expedition. The second consideration, of course, relates to the question of whether the trial should be severed in any event, which is set forth in the amended motion filed by Mr. Hirschhorn for Judge Hastings. What is your position on severance? Mr. Borders has not filed a severance motion.

MR. SHORTER: No, but we do not oppose Judge Hastings' motion for severance. You see, your Honor, there seems to be to be additional considerations. I don't know what the Eleventh Circuit is going to establish by way of a briefing schedule or how soon it could hear Judge Hastings' appeal, and, also, your Honor, we have the question of whether or not either one -- well the dissatisfied party coming from that appeal might not seek further review in the Supreme Court, and I don't think the Supreme Court would expedite its calendar to accommodate this case.

THE COURT: And then, of course, the question would be whether the Eleventh Circuit would grant a stay pending a certiorari disposition, and if they decline it, whether a Justice of the Supreme Court would stay.

MR. SHORTER: Yes, so that there's so many variables that I don't think any of us can calculate except that we know

that there's going to be an extended period of time before this case as to Judge Hastings would be in a posture to be tried.

THE COURT: Has Mr. Mavrides appeared yet?

MR. HIRSCHHORN: Your Honor, Mr. Mavrides is not yet here. We called his office. His secretary said -- oh, I'm advised by a member of the Fourth Estate that Mr. Mavrides has just entered the building. He should be here any minute.

THE COURT: Oh, fine.

We will reserve for the moment any further consideration of the continuance motion. What is the position with respect to the motion to suppress electronic surveillance evidence?

MR. SHORTER: We had advised the Government and did not advise the Court that it's Mr. Borders' intention at these proceedings to stand on the papers heretofore filed on behalf of Judge Hastings and the responses to those papers filed by the Government.

THE COURT: Um-hum.

MR. SHORTER: We do not seek an evidentiary hearing on that motion.

THE COURT: No evidentiary hearing?

MR. SHORTER: No, your Honor.

THE COURT: The Government --

MR. WEINGARTEN: If no evidentiary hearing is requested by Mr. Shorter, evidently we are prepared to stand on the papers as well.

THE COURT: The position on a motion for change of venue?

MR. SHORTER: Your Honor, because we had been struggling over the time since we were last in Court to try to reach a resolution without the intervention of the Court in this matter, and I feel that we had achieved the resolution subject to whether or not the case is going to be stayed. I think that fairly gives your Honor some clue as to what we have been doing without getting the Court involved in it, and I would say, your Honor, that if the case is to be separated as to the defendants, that there is a very good possibility that we would -- that there would be consent between the parties as to a transfer of the case. I don't know whether that leaves your Honor with still some questions.

THE COURT: No, exactly, exactly what I wanted to know. There was also a motion for a pretrial James hearing.

MR. SHORTER: We had talked to counsel about that, your Honor, and the Government is prepared, I understand, to make a proffer that may or may not obviate the necessity for any further hearing. I don't know --

THE COURT: The concern would be -- this motion is addressed to a pretrial James hearing in the event we're going to be proceeding to trial of Mr. Borders alone.

MR. SHORTER: Only, yes, your Honor.

THE COURT: Well, the Court notes -- is this Mr. Mavrides who just arrived?

MR. MAVRIDES: Yes, your Honor. I apologize for being tardy, but we had a time finding out which Courtroom was being utilized today. It seems no one downstairs knows.

THE COURT: Well, all right. The Court will recess for just five minutes while Mr. Hirschhorn briefs Mr. Mavrides on what has transpired to this point. We will then return to the first motion before the Court, which is the motion of Mr. Hirschhorn to withdraw as counsel, and the Court will then hear counsel on the other matters which are on the list.

(Recess taken from 9:55 o'clock a.m. to 10:03 o'clock a.m.)

THE COURT: Mr. Mavrides, are you current on what has transpired to this point?

MR. MAVRIDES: Yes, your Honor. Thank you.

THE COURT: The first motion before the Court is a motion of Mr. Hirschhorn for leave to withdraw as attorney of record for the Defendant Alcee L. Hastings. The Court understands, Mr. Hirschhorn, that you have discussed this matter with Judge Hastings and he concurs in your request?

MR. HIRSCHHORN: Yes, your Honor.

THE COURT: And Mr. Mavrides, do you have any position with respect to this request?

MR. MAVRIDES: None, your Honor. I accede.

THE COURT: You will have to speak up.

MR. MAVRIDES: I say I accede to the agreement reached as between the Judge and Mr. Hirschhorn.

THE COURT: Right. Does the Government wish to be heard?

MR. WEINGARTEN: No, your Honor.

THE COURT: All right. There being no objection, and sufficient cause appearing, the motion to withdraw is granted and an order which has been prepared for the Court's signature, dated, signed and filed.

THE CLERK: Yes, sir.

MR. SHORTER: Your Honor, pardon me, your Honor --

THE COURT: I'm sorry, I didn't -- I neglected to ask if you had any objection.

MR. SHORTER: May I address the Court.

THE COURT: Certainly.

MR. SHORTER: Not concerning specifically the withdrawal of Mr. Hirschhorn, but since that situation, that is, counsel for Judge Hastings does in some way affect some of the other decisions that your Honor is going to have to make regarding Mr. Borders' position, I would like to understand whether or not there is in the case for Judge Hastings an attorney who can represent that he will be prepared, notwithstanding whatever the eventualities may be, to try the case for Judge Hastings. We note the presence of a large number of counsel for Judge Hastings and some of which have limited roles in this case as evidenced by Mr. Anderson, Professor Blakey and perhaps it's none of my direct business as to whether Mr. Mavrides is going to try the case, but I think that insofar as we may countenance further delays in the event

that your Honor is minded to grant the motion for continuance, this is of importance to Mr. Borders to know that.

THE COURT: I understand, Mr. Shorter. The motion sets forth that the Defendant Alcee L. Hastings concurs in Mr. Hirschhorn's request to withdraw and further "said withdrawal will not delay these proceedings as there are other counsel of record, Mr. Mavrides and Mr. Waterman." The Court understands, Mr. Mavrides, that this withdrawal will not delay these proceedings?

MR. MAVRIDES: Your Honor, if I may just very briefly to set everyone's mind at ease, I will make a representation to this Court requested by Mr. Shorter. I would represent to this Court that there will be no delays brought on by any trial strategy, if you will, for want of a better term, employed by counsel for the defense in this case.

THE COURT: Does that satisfy you, Mr. Shorter?

MR. MAVRIDES: I would also, just as a matter of simplification for the Court, indicate that rather than attempting to copy all co-defense counsel of record that I would be the proper party to copy with further pleadings and I will see to it that all other co-counsel have copies.

THE COURT: You will be the chief counsel, is that correct?

MR. MAVRIDES: Chief counsel, lead counsel. How about choreographer, Judge?

THE COURT: All right. You anticipate you will be trying

the case?

MR. MAVRIDES: Sir?

THE COURT: Do you anticipate that you will be trying the case if it is tried?

MR. MAVRIDES: I have lived long enough, sir, and at the age of 50, do not anticipate questions of that import. I would hope that I will be sitting at this table before your Honor when we go to trial.

THE COURT: Thank you very much, sir.

Is that satisfactory?

MR. HOGAN: Your Honor --

THE COURT: Just one minute, Mr. Hogan, please.

MR. MAVRIDES: I might add these are lead dancers.

THE COURT: Mr. Shorter, is that satisfactory?

MR. SHORTER: Yes, your Honor.

THE COURT: Now, Mr. Hogan.

MR. HOGAN: Yes. I have not talked to Judge Hastings and I agreed in this case to handle the wiretap motions and anything that comes up in that matter, and I was of counsel with Mr. Hirschhorn. I talked to Mr. Mavrides. He assures me that Judge Hastings wishes me to remain with the wiretap motions should there ever come a necessity for them to be heard before you. I will, as will Mr. Mincberg and Professor Blakey, remain in that limited role. I will not try the case.

THE COURT: You are remaining as counsel for Judge Hastings?

MR. HOGAN: I am not counsel of record because I am not trying this case, your Honor. I have not committed myself to try it, and I'm not --

THE COURT: Well, are you appearing as counsel in this case or not?

MR. HOGAN: Only as to the wiretap matters.

THE COURT: All right.

MR. HOGAN: If I can appear for that limited purpose, I am appearing.

THE COURT: All right. Are you prepared to be heard on the wiretap matter at this time?

MR. HOGAN: No, sir.

THE COURT: Why not?

MR. HOGAN: Because you granted a stay and there's nothing before this Court.

MR. MAVRIDES: Your Honor, if I may rise, with respect to Mr. Hogan's position. There's no question but that he shall remain for that purpose. If there's any housekeeping chores that need to be done with respect to filing additional pleadings to keep the record clean as to what position he occupies, that will be taken care of post haste. Additionally, I would remind your Honor that at the last hearing before this Court all of the remaining Hastings' motions were deferred until some future date where they would beoome timely to be heard, including, and very importantly, Mr. Hogan's motion.

THE COURT: All right. Thank you, Mr. Mavrides.

MR. MAVRIDES: Which motions, as you will recall, are on the back burner.

THE COURT: Mr. Hirschhorn, what is the status of Mr. Mincberg?

MR. MINCBERG: Your Honor, I am part of the chorus.

MR. HOGAN: He is with me, your Honor, on the papers, he and Professor Blakey both.

THE COURT: All right. You are on the wiretaps, is that correct, Mr. Mincberg?

MR. MINCBERG: Yes, your Honor.

THE COURT: And Professor Blakey, who is not here. He is not here?

MR. HOGAN: No, your Honor, he is in Notre Dame.

THE COURT: But he appears only with you on the wiretap, is that it?

MR. HOGAN: Yes, your Honor.

MR. MAVRIDES: If it please the Court, your Honor, nothing has changed aside from the withdrawal of one individual. Everything will remain in position.

THE COURT: All right. Thank you. All right. The next motion on the list is the motion originally filed by Judge Hastings, specifically Mr. Hogan, which was adopted by Mr. Borders, to suppress electronic surveillance evidence. The Court understands that the Court is hearing counsel on this motion solely to the

extent it has been adopted by Mr. Borders. Counsel have indicated that they are prepared to submit the motion on the memoranda which have been filed, these being the motion and memorandum in support of suppression of evidence obtained from electronic surveillance and evidence derived therefrom as submitted by Mr. Hogan and Mr. Mincberg and Professor Blakey on February 8, 1982. The first supplement to that motion and memorandum as filed by Mr. Hogan and Mr. Mincberg on February 10, 1982, the opposition to that motion as filed by Mr. Weingarten and Mr. Richter. The filing date I do not have. And the defendants' reply to the Government's opposition as filed by Mr. Hogan and Mr. Mincberg on February 25th of this year. The Court has reviewed the entire record, including the motion, the supplementary motion and the memoranda to which the Court has just referred, has completed its own research and will be prepared to rule after counsel have had an opportunity to be heard, if they wish to be heard.

First, Mr. Shorter, is there anything you wish to add to what's set forth in the memoranda?

MR. SHORTER: No, your Honor.

THE COURT: You did not yourself file a memoranda, is that correct?

MR. SHORTER: No, we are adopting the papers.

THE COURT: Mr. Weingarten?

MR. WEINGARTEN: Oh, only this, your Honor. Prior to

the motion was a motion pursuant to 18 USC 3504, which requires a response from the Government as to whether or not there was any illegal electronic surveillance. I have prepared an affidavit I would like to submit to the Court at this time.

THE COURT: Is there an extra copy?

MR. WEINGARTEN: I gave two to your Clerks.

THE COURT: All right. If they have one, fine.

This affidavit is received as filed.

Is there anything further from any counsel?

(No response.)

THE COURT: Apparently not.

As the Court has indicated, it has reviewed the papers, it has considered the points raised by the defendants in support of their motion and it is entirely persuaded that none of these points have merit. The motion, as supplemented, is denied. The Court will, within the next several days, be filing a memorandum opinion to accompany the order which is being orally entered at this time and to be confirmed by a written order and memorandum.

Very briefly, the Court is entirely persuaded that the wiretapping in question conformed in all respects with the requirements of Title 3, that the wiretaping of Mr. Borders' law office and residence was not per se an unreasonable search and seizure under the Fourth Amendment, as claimed by defendants, that the requirement of a showing of necessity, as set forth in the statute and the Fourth Amendment, was sufficiently satisfied by

the affidavits in question, that the affidavits set forth more than ample probable cause for the wiretapping authorized, that there has been no showing of any background conversations which should be suppressed. The Government in any event has indicated that to the extent there might be any such background conversations which were recorded, they do not propose to offer them in evidence; that proper steps were taken in compliance with the statute to minimize the interceptions of communications not within the scope of the authorizing order; that the fact that the tapes, etc., were sealed by a Judge other than the Judge who signed the authorizing order is plainly not a fatal defect, especially since the defendants can show no conceivable prejudice therefrom.

THE COURT: As the Court previously stated, it will be filing a memorandum opinion setting forth more fully the basis of the Court's conclusion. There is one footnote which the Court will add to its oral ruling. The only case cited by the defendants for the proposition that the interception of communications on a lawyer's telephone constitutes a per se Fourth Amendment violation was an opinion filed by Martin F. Loughlin, United States District Judge in the District of New Hampshire, in the matter of Warrant Authorizing Interception of Oral Communications within the premises known as 165 Atwells Avenue, Providence, Rhode Island. When cited in the defendants' brief, it was noted that that case was on appeal. The appeal has since been heard and ruled on by

the United States Court of Appeals for the First Circuit. A two-page memorandum per curiam opinion, the concluding paragraph of which is: "Since the court below lacked authority to issue an injunction of the sort it issued, its order of February 12, 1981, is vacated and the matter is remanded for further consideration of movant's motions." This was received in my Chambers on Monday of this week in Portland and very possibly has not yet arrived in Miami.

The next item on the agenda is Defendant Borders' motion for a change of venue. Counsel have indicated that, in the event the Court denies the motion for a continuance and will proceed to try that defendant separately from Judge Hastings, that they may well be able to agree upon an appropriate venue, is that correct?

MR. SHORTER: That is correct, your Honor.

THE COURT: Fine. The Court suggests it simply reserve any consideration of that motion at this time.

The motion for a pretrial James hearing again perhaps should await a determination of whether we are to proceed with the trial of Defendant Borders so that it would appear that the next motion which the Court should consider is the motion for continuance as filed by the United States this morning. Mr.Shorter has indicated that he has not had an opportunity to respond to that motion in writing. The Court is prepared, however, to hear counsel, but somewhat reluctant to defer a hearing on this motion

for four or five days when the indicated trial date is only three weeks away. If, Mr. Shorter, you wish, the Court could recess for sufficient time for you to collect your thoughts and read the motion. Perhaps hear argument and perhaps if the Court has any questions which indicated the Court would prefer written briefing, it could indicate at the end of the argument.

MR. SHORTER: Yes, your Honor.

THE COURT: Would that be satisfactory?

MR. SHORTER: Yes, your Honor.

THE COURT: Mr. Weingarten?

MR. WEINGARTEN: That's fine.

THE COURT: How much time would you wish?

MR. SHORTER: Do I see that we have -- are there copies of the cases cited in the Government's memo available in that library?

THE CLERK: Yes, sir, they are.

THE COURT: Yes, there are. Right. Fine. Half an hour?

MR. SHORTER: Yes, your Honor.

THE COURT: All right. Then we will recess -- oh, one other matter. I understand the Miami Herald is represented here?

MS. KLEMENT: I am Alice Klement. I am a reporter with the Miami Herald.

THE COURT: I'm sorry. I have great difficulty hearing in this Court.

MS. KLEMENT: My name is Alice Klement. I am the reporter for the Miami Herald, and I have been in contact with our attorneys just a couple of moments ago to try to see if they can come and have an idea of when we may be able to be heard regarding the letter. I am trying to keep in touch with them.

THE COURT: Well, whenever they arrive, the Court will hear them.

MS. KLEMENT: I will pass the message back.

THE COURT: Did counsel receive a copy of the letter?

MR. WEINGARTEN: Yes.

MR. SHORTER: Yes.

THE COURT: Fine. Well, we probably will -- well, we'll recess until 11:00 o'clock. If the counsel arrive from the Miami Herald, we can hear them very briefly before we go ahead with this continuance motion. If nothing further before then, the Court will be in recess until 11:00 o'clock.

(Recess taken from 10:25 o'clock a.m. to 11:02 o'clock a.m.)

THE COURT: Mr. Borders, have you had an opportunity -- or Mr. Shorter, I'm sorry -- have you had an opportunity to review the Government's motion and read the cases?

MR. SHORTER: Yes, sir.

THE COURT: Fine. The Court will then hear the argument of the Government for motion for continuance. Perhaps the Court should first hear from the moving party, Mr.Weingarten.

MR. WEINGARTEN: Thank you, your Honor.

Your Honor, our position is simply this. Everything seems to hinge on what the Eleventh Circuit is going to do. If the Eleventh Circuit denies our motion to expedite and it appears that it is going to take months to resolve this constitutional question in the courts, then we would be prepared and willing to go to trial March 22nd or any time. We are ready to go. It also seems to us that if our motion to expedite is granted and it appears that the constitutional question can be resolved in five or six weeks as it has been resolved in other analogous situations which we cite in our motion for a continuance, then it serves all purposes to have one trial instead of two. It seems like a waste of judicial resources to try Mr. Borders first and then a week or two or three later come down and try a similar trial again. So I think what we are proposing is perhaps to defer a final ruling on this matter until we hear from the Eleventh Circuit. If the Eleventh Circuit is willing to expedite, we recommend alternative procedures. One procedure would be for this Court to set a time certain, perhaps May 3rd, as the date for a pretrial conference with the anticipation that both defendants will go to trial together. May 3rd would be the pretrial conference and all outstanding motions to be heard and then two weeks from that date a firm trial date. An alternative procedure which we recommend is that perhaps two Mondays from the time when the Eleventh Circuit rules on this question, we set up a

time for pretrial motions that have not been heard and a final pretrial conference and two weeks from that Monday a trial against both defendants. Either procedure would be fine with the Government.

THE COURT: The cases you cite, the Myers, involved a five-week disposition?

MR. WEINGARTEN: Yes, your Honor.

THE COURT: The Carney case three months?

MR. WEINGARTEN: Yes.

THE COURT: And Congressman Kelly's case 12 weeks, which is three months?

MR. WEINGARTEN: Yes.

THE COURT: Frankly, as the Court indicated two weeks ago, if the Eleventh Circuit either dismisses the appeal or rules affirming the ruling of this Court, the Court would anticipate that Judge Hastings would be petitioning for certiorari.

MR. WEINGARTEN: Yes.

THE COURT: And the Circuit very probably would grant a stay. I recognize it's not the practice of the Circuits to grant stays in a routine case pending, but this is not a routine case, and if the Circuit were to deny the stay, application would be made to a Supreme Court Justice.

MR. WEINGARTEN: We considered this issue, this precise issue. Our experience is, of course, that stays are not routinely granted by either an appellate court or Supreme Court on pretrial

motions, and we wouldn't expect a stay to be granted in this instance, but assuming that a stay would be granted, perhaps we could set up a two-tier procedure wherein a continuance would be granted for the five or six weeks hopefully that it would take for the Eleventh Circuit to rule and then if a stay were granted, then we would just proceed to trial against Mr. Borders alone.

THE COURT: What is the -- how long a trial do you anticipate if Mr. Borders is tried alone, the Government's case?

MR. WEINGARTEN: Simply because there would be one defense attorney cross-examining instead of two, I suspect it would be a bit shorter than the trial --

THE COURT: I mean, I assume you have an indication of what the Government's evidence is going to be.

MR. WEINGARTEN: Yes, the Government's evidence would be substantially the same. I think a great deal would depend upon defense attorney's willingness to stipulate to custodians, to wiretap procedures. I would say if we anticipated that a trial against both defendants would take two weeks from picking a jury to verdict, perhaps a day or two or three shorter for a trial against Mr. Borders alone.

THE COURT: Well, from what has been disclosed to this point, the Court would anticipate that apart from the custodial-type evidence, your principal witness would be Mr. Rico , I assume?

MR. WEINGARTEN: Yes. He certainly would be a main

Government witness.

THE COURT: Right. And then certain of the tapes would be played to the jury?

MR. WEINGARTEN: Yes.

THE COURT: What else?

MR. WEINGARTEN: There are bits and pieces of circumstantial evidence and there certainly would be witnesses to that. We would, of course, include all of this in our trial brief to the Court.

THE COURT: It would appear we're talking about possibly a one-week trial?

MR. WEINGARTEN: It's certainly possible. I guess, it's hard to anticipate what defense counsel would do.

THE COURT: Certainly. The other factor which enters into this, Mr. Weingarten, is the question of whether Judge Hastings' motion for a severance should not be granted in any event. The Court has reviewed the DeLuna case in the Fifth, and I believe there's one Twelfth Circuit case since. I guess the Fifth Circuit case subsequent to the Twelfth Circuit, and the Court has very hastily reviewed the response which you have just filed which reviews the same cases, and we will talk in terms of the Fifth Circuit because they are the ones that have spoken. They have held in circumstances similar to that here disclosed that it is not an abuse of discretion for the Trial Judge to deny a severance motion. At the same time, it would appear that very

plainly it would not be an abuse of discretion for the Trial Judge to grant such a motion in these circumstances, and Judge Hastings' counsel makes a very strong argument for severance of these trials in view of the incompatibility of the defenses, and I recognize they are not here reconcilable, and the fact that Judge Hastings intends to take the stand and testify and the indications are that Mr. Borders will not, although perhaps Mr. Shorter can enlighten us on that. The problem of comment on a Fifth Amendment privilege, the Fifth Circuit has not overruled DeLuna. If they feel that Justice Wisdom wrongly decided DeLuna, they have had several opportunities to do so. It's very -- frankly, if this Court had to rule right now on the severance motion, it would be disposed to give very serious consideration to granting it. Now we have an automatic severance as a result of this appeal, and putting everything into the pot, the Government would be sacrificing only roughly a week of trial time and the Court --

MR. WEINGARTEN: I think with the severance, if I might, your Honor, perhaps this is --obviously this is not the appropriate time to fully argue this because the Court has just received a copy of our response. We don't see the severance issue quite that closely or as such a close issue, and I think the fatal flaw in it is that defense counsel for Judge Hastings is just speculating that there's going to be an inconsistency, a problem, a conflict, between his defense and the defense of Defendant Borders.

HARRY B. DERRY
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
PORTLAND, MAINE 04112

and I think the appropriate procedure is to proceed to trial and if in fact such a fatal conflict arises, the Court obviously can dispose of it with a severance at the appropriate time, but at this point it is merely speculation. It very well might not arise. And I think the bottom line for us is if the Eleventh Circuit disposes of the appeal quickly and a stay is not granted, we could very easily be in a position where we try Mr. Borders one day and a week or two later are prepared to try Judge Hastings, and it seems to us to be a needless exercise.

THE COURT: What prejudice is there to the Government other than a week's time?

MR. WEINGARTEN: Well certainly from the point of view of trial tactics, it is preferable -- the Government prefers to put on witnesses only once as opposed to twice.

THE COURT: Well, in this case the Court probably -- probably -- would be disposed to, in a joint trial, call for a pretrial James hearing, unless you have a proffer which is far more persuasive than anything which the Court has seen to this point.

MR. WEINGARTEN: We have a proffer prepared. We have several things prepared in anticipation of trial against Mr. Borders alone because it appeared the last time we were here that we would need to meet that contingency.

THE COURT: Well, as far as Borders is concerned, that's one thing. But if it's a joint trial, the issue, I assume, will

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be whether the statements made by Mr. Borders can be admitted as co-conspirator statements against Judge Hastings and, as you know, the Government has to establish by independent evidence the existence of a conspiracy, and so forth, and --

MR. WEINGARTEN: Well, we would be pleased to provide a proffer to the Court at the appropriate time. We think we can meet our burden on that.

THE COURT: But if you have had the benefit of the separate trial of Borders, you wouldn't have to worry about a James hearing because it would all be in there.

MR. WEINGARTEN: That's the point, your Honor, that I recognize. I think our proffer would probably -- if we anticipate going to trial against both defendants, we would submit a written proffer and if the Court wanted evidence to support the proffer, we would be happy to provide it. I don't think a James hearing, even if it was ordered pre-trial, would be much of a problem.

THE COURT: Thank you, sir. Nothing is simple. Mr. Shorter?

MR. SHORTER: Yes, your Honor.

Your Honor, this question as to whether or not the Government should have a stay of the proceedings against Mr. Borders to await the action of the Court of Appeals and possibly the Supreme Court in the appeal of Judge Hastings has more facets than just simply staying the case. Your Honor has touched upon what I think is a very severe question that's implicated in this whole question of whether or not the case should

be continued because a continuance, your Honor, would certainly presuppose a joint trial of both defendants and while I have not paid that much concern to Judge Hastings' motion for severance, I do know that he makes some very telling strong arguments in favor of severance of the parties and we would very actively support that motion, your Honor, particularly when Judge Hastings says that he is going to prosecute the Defendant Borders in a joint trial and that might very well raise the question, your Honor, as to whether or not in the face of that warning, the motion should not be granted. Certainly it would be intolerable for Judge Hastings to do some of the things that he has suggested in terms of Mr. Borders' right to a fair trial and whether or not Sua Sponte your Honor would be compelled, based on those representations, to grant Judge Hastings a severance and in effect protect the rights of Mr. Borders. All of that is involved in the motion that has been filed which has not yet been decided. The glaring, strong reason why the Government's motion should be denied is because we're looking at the meaning, the philosophy, and the intention of the Speedy Trial Act insofar as it effects Mr. Borders. It's well known, your Honor, that Mr. Borders is a practicing attorney. Since October 9, 1981, he has been charged with very severe, serious offenses which have inhibited his ability to function in his community, to practice law. Mr. Borders has not gone into Court. His whole life is at a standstill. He is certainly entitled to a prompt resolution of these serious

criminal charges against him, and it does not seem to me, your Honor, that when we put Mr. Borders' rights on the scale and attempt to balance them against the rights of the Government, that the Government can make a very strong case as to why Mr. Borders should be consciously prejudiced and to await the disposition of a proceeding that does not concern him, and it seems to me that it's very simple to leave the case in the posture in which it is, to let Mr. Borders proceed to trial and that the Government cannot articulate, cannot point to any severe damage, cannot point to any prejudice that would occur as a result of Mr. Borders going to trial, and I think that all of these considerations, these concerns, are very deeply engraved and involved in the philosophy of the Speedy Trial Act. I think that your Honor would have to consciously face the question of whether or not it's in the interest of justice to grant the Government this continuance as opposed to the interests of the public and the right of the defendant to a speedy trial, and I perceive that there is enormous difficulty in trying to balance these factors and not say that Mr. Borders and the public, your Honor, would receive short shrift in the granting of this motion. The Government has pointed to proceedings in other cases where there have been interlocutory appeals and have said that in one case the appeal was disposed of in three months. In another case in three months, and in another case five weeks. Well, what we are doing is stacking that time on the three to four

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months that have already passed since Mr. Borders was arrested and since more than a month and a half, well, more than two months have passed since the indictment was returned in this case. All of the proceedings insofar as pretrial proceedings, preparation for trial, are very simple to accomplish if we're looking at Mr. Borders' case. I do not see that the Government's problem will be compounded by having two trials. I have not perceived any urgency or any prominent -- any outstanding reason why Mr. Borders' case has to await the resolution of the appeal. I don't see an urgent -- I see no urgency in the Government's position except that they want it that way. It's convenient for them to do it that way. And I think that that is a very minimal consideration in the entire panoply of what the Court has to consider in addressing a motion of this type.

Now, I can refer to something that is quite relevant in this regard and call the Court's attention to the case of United States v. Hinckley which your Honor will recall is the case of the young man who is accused of assaulting President Reagan, Press Secretary Brady and others. In that case, Judge Barrington Parker of the United States District Court for the District of Columbia, after a hearing on Hinckley's motion to suppress certain statements that he made to the FBI following his arrest, and also a motion to suppress certain articles that were seized out of his jail cell, including his diary, the diary that he was keeping on a day-to-day basis, there was a hearing on

defendant's motion. Judge Parker granted the defendant's motion to suppress the Government's use of those items in the trial. The Government took an immediate appeal in that case, your Honor, an interlocutory appeal, and that appeal very notably was resolved in very short order by the Court of Appeals. The Court of Appeals affirmed Judge Parker. The case went back to the District Court and Judge Parker decided he was going to have a trial within two or three weeks, very shortly after the Court of Appeals had decided it, and the Government felt that that would be unfair to it for the District Court to hold a trial when the Government was not fully prepared for a trial and, when the Government wanted to prosecute a further appeal, they wanted to seek appellate review, and the Court of Appeals in the District of Columbia Circuit just last week entered an order against Judge Parker staying the proceedings to afford the Government the opportunity to go to the Supreme Court to test the Court of Appeals' judgment in the case, so it is not unlikely, your Honor, that given the importance of this case, and the uniqueness of the Constitutional issue that is involved which has never been resolved by the Supreme Court, that the Supreme Court may well say that this is an appropriate vehicle in which to resolve this enormous constitutional issue and we may very well have the 11th Circuit granting a stay or the Court, the Supreme Court itself, granting a stay because of the importance of the question and the uniqueness of the question. Those are concerns which, as we

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sit here today, are unable to foresee what the outcome will be and these are all intangibles that we must weigh either against or in favor of the Government's motion for a continuance. And I would say, your Honor, that given a thoughtful review of all of the factors, some of which I have mentioned, some of which Your Honor has confronted the Government with, that all in all, the Government's motion should be denied. Now, the case that the Government cites, your Honor, the one case that they cite in support of its motion for a stay, is remarkably different from the present case. Notably, there was no assertion by the Defendant McGrath at the time that the interlocutory appeal was taken that he wanted to proceed to trial. As a matter of fact, after the interlocutory appeal had been decided, he himself asked for a continuance of the trial date and theappeal in that case, your Honor, did not concern him, it concerned another defendant, and it had to do with evidence that was going to be used against both of those defendants and which were subsequently admitted to him. The case was far more complex. We are not dealing with a case of the complexity of the McGrath case here. We're dealing with a case that insofar as I know there's one principal witness, there's some wire intercepts consisting of roughly ten to twelve telephone calls, so what the Government refers to as circumstantial evidence, which I would assume are just bits and pieces of people coming in and saying, "Yes, this happened" or "that happened" and what not. So we're not talking about a multi-party, extremely

lengthy trial which would be burdensome and inconvenient to the Government to put in before two juries on two different occasions and perhaps in two different locations. We are talking about something that is passingly simple insofar as complexity and amount of time that's involved.

THE COURT: What is your position with respect to the severance motion filed by Judge Hastings, assuming that the Hastings' matter is back before this Court?

MR. SHORTER: And we are together again?

THE COURT: Yes.

MR. SHORTER: Based on what I have read in Judge Hastings' motion, I would very clearly be compelled, your Honor, to support that motion and even, your Honor, urge that because of what's indicated in that motion, that Mr. Borders would be entitled to a severance.

THE COURT: All right. In other words, you would anticipate filing a motion on behalf of Mr. Borders?

MR. SHORTER: Most definitely. We had done extensive --

THE COURT: You need not comment if you don't wish to do so, and I would understand if you do not, but the main thrust of Judge Hastings' motion is that the defenses are incompatible, that Mr. Borders' defense will be in substance "I did it, but I was entrapped" and, secondly, that Judge Hastings will take the stand and testify and Mr. Borders will not. You don't have to comment, but I'm curious --

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MR. SHORTER: Very honestly, your Honor, some of the material that was put into Judge Hastings' motion devolved as a result of conferences that were had between Judge Hastings' recently departed counsel and my office which I thought were entirely confidential because they went to matters of strategy and which I certainly did not expect to see spread out in a motion that would fully alert the Government as to what strategy was being formulated at that time. Now, I don't, by saying that, your Honor, adopt everything that Judge Hastings had put into the motion which he attributes as being Mr. Borders' position. I must say, your Honor, that our position has been one of flux and it envisages travelling along different lines and options have been kept open depending on the form of the trial, who's involved in the trial and what the Government's evidence may be, but confronting what your Honor has indicated as Judge Hastings' position, I would say, your Honor, that to some extent -- not in every detail -- what Judge Hastings has asserted in that motion was conclusions reached by his counsel as a result of conversations that we had. Now, whether or not he was priviledged to disclose that is something that I'm not getting into but I would moreover say, your Honor, that they were not positions that we had unalterably and without any firmness, that we had not very firmly and positively and resolutely adopted, but if we would make the assumption, your Honor, that that is Mr. Borders' position or that there was a good faith basis for Judge Hastings'

attorney to assume that that's the position, well then dealing with it on that basis, I would say that Mr. Borders would be -- his rights would be severely affected and prejudiced by the tack that Judge Hastings plans to take in response to that position, and we would be, your Honor, given an intent to follow those lines of defense to come in and ask your Honor on behalf of Mr. Borders to grant us a severance because we could not endure a battering in the Courtroom from the prosecutor and also from Judge Hastings. I think that that situation in and of itself would justify --

THE COURT: You, it would appear, are reasonably familiar with the Government's case at this point?

MR. SHORTER: Yes.

THE COURT: And have made at least some judgment as to what your own case is going to be. What would be your estimate of the trial time on a -- if we proceed on March 22nd in a separate trial of Mr. Borders?

MR. SHORTER: I would say to your Honor that we could add perhaps two days to the Government's estimate, two to three days.

THE COURT: You would add two days for the defense case?

MR. SHORTER: Two to three days, your Honor, yes, your Honor.

THE COURT: And the Government's case you would anticipate -- I've never heard you cross-examine -- would you say three or

four days for the Government's case, two or three days?

MR. SHORTER: For the Government's case?

THE COURT: Yes.

MR. SHORTER: They estimated it would take perhaps -- I would think that's a fair estimate based on all that I know at the present time barring any, you know --

THE COURT: There's a copy of a letter which came to the Court addressed to you by Mr. Weingarten indicating or requesting certain stipulations. Have you had an opportunity to review those?

MR. SHORTER: We received that in our office on yesterday, I believe, and Mr. Borders and I did take the opportunity to review the letter and there were some things that we noted that he and I needed to discuss a little further, but, your Honor, as to routine documents like Bell Telephone records and whatever, we just -- they are just unchallengable.

THE COURT: Right.

MR. SHORTER: But I think that there are a couple of items that he and I have reserved the opportunity to discuss in more detail.

THE COURT: You won't require Ma Bell will be in here to authenticate the telephone bills?

MR. SHORTER: No, no, and things of that gender, your Honor. We just --

THE COURT: Very helpful. Thank you very much, sir.

MR. SHORTER: All right.

THE COURT: Mr. Weingarten, do you want to respond?

MR. WEINGARTEN: Yes. A few points, if I may, your Honor. Listening to Mr. Shorter concerning the severance I think strengthens our conclusion that Defendant Hastings really falls far short of coming up with the position which is compelling in terms of a severance. There has been no affidavit submitted that would support the conclusion that there's going to be antagonistic defenses, indeed Mr. Shorter has indicated to the Court just this moment that he's going to keep his options open. Typically in cases where severances are granted, you have an affidavit from one party saying that I am going to present this defense at trial and the other party argues persuasively that that is mutually exclusive from the defense that that defendant will offer. We have none of that in this case. DeLuna is limited strictly to that sort of situation. I think that on the merits, the severance motion of Defendant Hastings falls woefully short of compelling this Court to grant a severance. In addition, I would say, your Honor, that we are making a very limited request. Surely if it becomes obvious that the appellate process is going to take months, we are prepared to proceed. What we don't want, and we think it is unfair to the public, unfair to the Government, to have one trial on March 22nd, and then to be having to turn around immediately thereafter and have the appellate process resolved and go to trial against Judge Hastings

This is fundamentally by Count I a conspiracy case. Two defendants are charged with conspiracy. There's a strong presumption in the law, as I'm sure the Court well knows, that conspirators should be tried together. Now we can't point to any specific unique prejudice in this case wherein the Government would be irreparably harmed in this case by a severance, but we point to general factors which apply in every case but are very serious factors: The burden to witnesses, the burden to jurors, the expense to the Government, the expense to everybody and to judicial resources. We feel very strongly about this, your Honor. I don't think we are asking for very much. We are asking just for an opportunity to try these defendants together expeditiously and we respectfully request that it be granted.

THE COURT: Thank you, Mr. Weingarten.

MR. ANDERSON: Your Honor, I realize -- there are factors I disclosed to counsel for the Government which might be relevant to the Court if I might speak for just a moment.

THE COURT: Right.

MR. ANDERSON: As the Court knows, in our original motion, I raised the question of whether any Federal Judge could hear the case because of the incidence of office that would be involved.

THE COURT: You are referring to the case against Judge Hastings?

MR. ANDERSON: Yes, since it will define the office. I

have advised counsel for the Government that should the Eleventh Circuit not recuse itself following the pattern of this District and the pattern established in the Isaacs case, I will file a motion asking it to recuse not only on the general ground but also on the ground that they are presently sitting in an appellate jurisdiction in two related matters that are before them and that should Judge Hastings take the Bench again, they will again sit in a capacity as reviewers of the exercise of the judicial authority. I think it unseemly and it is a sound ground. I only make this disclosure not because it is there, but in terms of this question of delay.

THE COURT: I appreciate this. Your thought is that a special panel would be designated by the Chief Justice as in the Isaacs case? Of course, in the Isaacs case, as you are aware, Judge Kerner was a Circuit Judge, and his colleagues recused themselves, which is a little different.

MR. ANDERSON: I understand, there are always little differences, but this Circuit is a collegial body which includes the Judges of the District and they are regularly interacting in terms of the Circuit Judges' review of the work of the Judges of this Court. I understand that the Chief Judge may have an empty shelf and be looking for matters to decide, but I simply wanted the Court to be aware as a factor that I think we are, from my personal standpoint, looking at a three month rather than five weeks delay if the Court pays any attention to my briefing

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and I do intend to suggest that the Circuit recuse itself if it does not do so on its own motion, and I thought the Court should have that information.

THE COURT: Thank you very much, Professor Anderson. That's very helpful. Any further comment from counsel?

Mr. Shorter or Mr. Weingarten?

MR. SHORTER: No, your Honor.

MR. WEINGARTEN: No, your Honor.

THE COURT: Counsel, the Court had anticipated a motion similar to this, and the Court has been reflecting over the last two weeks as to the appropriate manner in which this somewhat unique case should be moved forward. This Court cannot anticipate what the Court of Appeals in the Eleventh Circuit is going to do. Quite apart from the representations just made to the Court by Professor Anderson, this Court's best judgment is that the Court of Appeals for the Eleventh Circuit, in light of the substantial nature of the issue presented, will not be finally determining that issue within the next two, three, four, five or six weeks. I am notably poor as a prophet and we may have an answer tomorrow, who knows? This Court also would anticipate that, in the event the Eleventh Circuit Court of Appeals [illegible] dismisses the appeal or it is not appropriate for [illegible] determination or affirms the order of this Court on its merits, the defendant will be seeking review by the United States Supreme Court with further delays necessarily involved and very

probably a stay order granted either by the Court of Appeals or by the Supreme Court. It's impossible to predict the future with any certainty. It's almost inconceivable to this Court that the issues presented by Judge Hastings' appeal could be resolved within the next three or four months. As Mr. Shorter has pointed out, Mr. Borders has been under the cloud of this proceeding since his arrest in early October. The indictment was returned December 31, now two months ago. The whole philosophy of the Speedy Trial Act enacted by the Congress a few years ago is that both the defendant and the public are entitled to the prompt disposition of criminal charges. The Court has no doubt that under the sections of the Act to which the Government has referred, and specifically Section 3161(H), this Court has the power to continue the proceedings as against Mr. Borders for a reasonable period of time. The Court questions that the length of the delay which this Court foresees would be considered a reasonable period of a delay and the Court seriously considers whether the interests of justice, the standard prescribed by the section of the Speedy Trial Act to which the Court has referred, will truly be served by such a delay in the proceedings as against Mr. Borders.

The Court has also considered the question of whether, even if the interlocutory appeals filed by Judge Hastings were finally resolved within the next several weeks, these defendants are not entitled to a severance under the principles which have

been established by the United States Court of Appeals for the Fifth Circuit in the DeLuna case and its various offspring. The Court is aware that in almost every conspiracy case, one or more of the defendants seeks a severance on the ground that the defenses are incompatible, that the spillover effect of the evidence against one defendant will unduly prejudice another defendant who is perhaps less deeply involved, and the denial of the Fifth Amendment right of a defendant not to testify balanced against the right of a co-defendant who does testify to comment upon the silent defendant's failure to do so.

While the motion for severance filed by Judge Hastings is not directly before the Court at this time and Mr. Rogers has not yet filed such a motion, as the Court has indicated in its colloquy with counsel, it's present disposition would be to grant such a motion in order to avoid the prejudice to both individual defendants which would result from a joint trial if the defenses are to be along the lines indicated by the submissions which have been made to this Court at this point. The only countervailing factor which has been called to the Court's attention is the expense and inconvenience to the Government and to the Court, frankly, from two separate trials, but balancing this Court's concept of the probability of the delay which will be involved in the final determination of the interlocutory appeal, the potential prejudice to the defendants from a joint trial and the relatively short trial which is indicated if we

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proceed as previously planned, the Court is persuaded that the instant motion for continuance must be denied. The trial as to the Defendant Borders will proceed commencing on Monday, March 22nd, as previously planned. And the Court will proceed shortly to confer with counsel by way of a final pretrial conference setting a schedule for the filing of trial briefs, disclosure of Jencks material, and so forth. In the event some action is taken by the Eleventh Circuit within the next three weeks which casts another light on these proceedings, the Court's ruling on the present motion is not graven in stone and if, in light of what might develop, the Government, or any counsel, renews its motion, the Court, of course, will hear counsel and determine what the circumstances may be at that time. Also, although the Court has indicated its present view with respect to the question of severance, the Court, of course, will provide opportunity for a full hearing before ruling finally on that motion in the event it becomes necessary to do so.

The Court will simply endorse the present motion for continuance with the date, hearing had, motion denied. And the order is filed.

The motion for change of venue is next on the list. The Court understands Mr. Shorter and Mr. Weingarten would like to confer with the Court in Chambers concerning that matter.

MR. WEINGARTEN: It seems appropriate, if we are going to have a pretrial conference, maybe that's one of the subjects we

can take up.

THE COURT: Fine. Fine. And the pretrial James hearing? Do you wish to be heard on that, Mr. Shorter?

MR. SHORTER: I think the Government has a representation, your Honor. The Government has a representation, I believe.

THE COURT: Oh, fine.

MR. WEINGARTEN: We have a written proffer on what our evidence will be in a severed trial. I would like to provide the Court with that at this time.

(Whereupon, Mr. Weingarten handed a document to the Court.)

THE COURT: Mr. Shorter, did you wish an opportunity to review this before responding?

MR. SHORTER: Yes, your Honor.

THE COURT: Then we will continue that just for the moment. The Court might take up the problems of the Miami Herald at this time if it's convenient. I note Mr. Paul is here. Incidentally, the Court received -- not incidentally, but the Court received on February 25th a very formal letter, dated February 23rd, 1982, from the Miami law firm of Paul & Thomson, as counsel for the Miami Herald, requesting the opportunity to be heard concerning the closure and sealing of documents in this Court. The letter was signed by Dan Paul, Esq. After the Court had drafted a very formal reply, the Court suddenly was aware that

it had had considerable association with Mr. Paul several years ago in connection with non-professional matters and, very happy to see you again, sir.

MR. PAUL: Nice to see you again, Judge.

THE COURT: Copies of this correspondence have been received by all counsel?

(All counsel nodded affirmatively.)

THE COURT: Mr. Paul?

MR. PAUL: May it please the Court, your Honor, we would like a time for a hearing if we could in which we could present our requests that any future proceedings in this matter, if they are to be conducted in camera or evidence is to be presented under seal, the press would like the opportunity to be heard on that request before any sealing orders are entered. We would also like the opportunity to be heard on the order which has already been entered, and we understand there is another motion pending, although we don't know that there's a hearing on it, for the Government to submit certain discovery documents under seal. I'm not aware of all the motions that may be pending on this point.

THE COURT: Well, perhaps, Mr. Paul, the Clerk's Office advises the Court the following documents, or materials, remain under seal: The transcripts of the electronics surveillance tapes and related material which was sealed pursuant to the order of the United States District Judge in Washington, the

sealing being pursuant to the provisions of 18 USC Section 2518 (8), I believe.

MR. WEINGARTEN: I believe so, your Honor.

THE COURT: And those materials were transferred to this Court and are presently under seal in the Clerk's office or the FBI office.

MR. WEINGARTEN: To simplify, your Honor, everything related to the wiretap has been ordered under seal. The court documents from Washington, the tapes themselves and all motions filed by the parties.

THE COURT: Right. And are those the only matters under seal?

MR. WEINGARTEN: The Government's response to it, the omnibus response to the discovery requests, were also ordered under seal. To my knowledge, those are the only matters that have been sealed.

THE COURT: And those -- the latter -- was sealed for what reason?

MR. WEINGARTEN: Because one of the requests was for Rule 404 material and the conclusion was that the Government's response should be sealed.

THE COURT: Oh, right. Now this material, if the Court understands, has all been sealed out of consideration for the privacy rights of the two defendants here?

MR. WEINGARTEN: Yes.

THE COURT: Right. Now, do you want those opened up, Mr. Paul?

MR. PAUL: Your Honor, I don't know exactly what the scope of those are, but I would like to have some further disclosure at least as to the general nature of what they are so that we could make an intelligent argument. What I would like to ask for this morning is not that you hear -- I would like to file a formal motion and have a hearing on it. It doesn't have to be this morning.

THE COURT: I understand that but the -- under the provision of the wiretap statute, these electronic surveillance matters to which we are referring, which are the matters under seal, are placed under seal, and the courts have made entirely clear that the sealing of such documents is not only for the protection of sensitive information which the Government might not wish disclosed,but for the protection of the individuals whose phone conversations have been overheard and, as you are undoubtedly aware, the Eighth Circuit, among others, in a very recent case, December 14, 1981, has specifically so held. This Court truly has no authority to open up those files. There's no other matter of which the Court is aware, other than the Grand Jury transcripts which, of course, you are not entitled to. They are sealed by Rule 8.

MR. PAUL: Right.

THE COURT: I don't believe there's anything else, is

there, Mr. Weingarten?

MR. WEINGARTEN: Well, the motions themselves have been sealed. The Defendant Hastings, through his attorney, Hogan, originally requested, through a written order, that all matters relating to the wiretap, that the written motions submitted on behalf of the defendant and the Government were sealed pursuant to that request. My understanding from both defendants, there is unanimity on the defense camp that those remain --

THE COURT: Right, what is the position of Mr. Borders?

MR. SHORTER: Insofar as, your Honor, the law requires that certain items, particularly relating to the wiretap, be sealed, we would certainly urge that that continue and insofar as the 404 material which is not addressed to my client but did make some reference to Judge Hastings, I think that in the interests of his privacy rights, because they have not crystalized, that part of the Government's presentation is not crystalized, that should also be sealed. That should continue to be sealed, your Honor. It is a very, very limited amount of material in this case that's been sealed and it's been done out of an abundance of interest in protection of the rights of the defendants.

THE COURT: Thank you, Mr. Shorter.

What is the position of Judge Hastings, Mr. Mavrides?

MR. MAVRIDES: Your Honor, with all due respect, because of the present posture of our case and the stay that's in place now,

we would ask that the Court maintain its present posture until such time as there would be a reason to consider otherwise. Without further argument, we would ask you to leave the order in place.

THE COURT: And just, Mr. Mavrides, so we understand. There are two different types of papers. We are talking about the electronics eavesdropping material which discloses conversations.

MR. MAVRIDES: I understand that.

THE COURT: And the Rule 404. You are familiar with that.

MR. MAVRIDES: I was present when that part of the response was ordered sealed.

THE COURT: And I understand for the protection of the privacy of Judge Hastings, your position is they should remain under seal?

MR. MAVRIDES: Exactly, in light of the posture of our case at this point in time.

THE COURT: Right. And, Mr. Weingarten?

MR. WEINGARTEN: The Government thinks those were sound rulings and continues to think so.

MR. PAUL: Your Honor, am I to understand that the only things that are sealed are the transcripts of the electronics surveillance and the Grand Jury?

THE COURT: I will have to rely on Mr. Weingarten.

MR. WEINGARTEN: I think I said everything relating to the wiretap, including the materials from Washington, the Court orders, all official documents, plus the tapes themselves, plus the motions that have been filed on behalf of the parties, have been sealed.

THE COURT: Right.

MR. PAUL: Your Honor, I don't know, on the motions that have been filed, unless they specifically divulge the contents of the wiretaps or of the Grand Jury proceedings, I don't think it would be proper to have those sealed. They have been filed with the Court and it would seem to me they are judicial records which should be opened to public inspection. Again, I am operating in the dark because I don't have any idea what -- but I gather from the Government's statement that there are things other than the entire Government's response to all discovery requests, as I understand, have been filed under seal.

THE COURT: 18 U.S.C. Section 2518(8)(b), the first sentence: "Applications made and orders granted under this Chapter shall be sealed by the Judge..." and then it goes on, and they are to be kept for 10 years, at the end of which time they are apparently to be destroyed and not even then given to the press. "Any violation of the provisions of this subsection may be punished as contempt of the issuing or denying judge. They may be disclosed only upon a showing of good cause." And, as I have indicated, at least one Circuit, and I understand

there are a number, has made clear that, and I will quote: "The desire of the news media to give the public the contents of sealed wiretaps and related papers is not enough in itself to justify a finding of good cause under this statute."

MR. PAUL: Well, I am concerned about the other items which I understand are sealed which are not Grand Jury proceedings and are not wiretaps. As I understand, the Government's entire response to the discovery request is sealed.

THE COURT: I believe we just sealed that one portion, didn't we?

MR. WEINGARTEN: Actually, I'm not 100% certain at this moment. Perhaps the Clerk could help us on that.

MR. MAVRIDES: Your Honor, if I may, I recall specifically that the only portion of the Government's response related directly to the 404 provision and I think your Honor will recall designating the actual pages. I believe they were 15 and 16, if my memory serves me.

MR. WEINGARTEN: That's the point of our request and if that's the defendant's recollections, then there seems to be assent.

THE COURT: Well, shall we give Mr. Paul half a cake then? Can we release all of that Government's response other than the section to which we have referred?

MR. WEINGARTEN: Well, my suspicion is that it is a matter of public record at this moment.

MR. PAUL: We understand it is under seal. If it is a matter of public record, if that could be clarified, we would like to see it except for the two pages that are being referred to.

THE COURT: All right.

MR. WEINGARTEN: That was the Court order. I suspect the Clerk has already complied.

THE CLERK: I have the whole document under seal, Judge.

THE COURT: The whole document?

THE CLERK: Yes, sir.

THE COURT: Well, then, the Court understands that without objection -- does anybody have a copy of the document?

MR. WEINGARTEN: I might.

(Pause.)

MR. WEINGARTEN: I tender to the Court a copy.

(Whereupon, Mr. Weingarten handed a document to the Court.)

THE COURT: The Document to which reference has just been made is the Government's opposition to defense motions for discovery and production. This opposition addresses 16 separate discovery motions filed by the defendants. The only portion which counsel requested be sealed is Paragraph Numbered 15, which appears just before Paragraph No. 14, for some reason or another, Mr. Weingarten.

MR. WEINGARTEN: Yes.

THE COURT: Starting at the bottom of the Page 15 and

proceeding on to Page 16, which is the response to the defendant's motion for disclosure of 404 evidence, and the Court understands that's the only portion of this document that counsel wish to remain under seal?

MR. WEINGARTEN: Yes, it's my understanding the last time we were together, everybody agreed that that portion should be --

THE COURT: Is that right, Mr. Mavrides?

MR. MAVRIDES: That's my recollection.

THE COURT: Mr. Shorter?

MR. SHORTER: Yes.

THE COURT: All right. Then, the remainder of the documents may be released and simply the paragraph Numbered 15 will remain under seal.

THE CLERK: Yes, sir.

THE COURT: It will make very dull reading, Mr. Paul.

MR. PAUL: Luckily, I won't be the one who will have to read it. That will be the reporter's job.

Your Honor, we should also like to make the request that if there are any further requests for sealing of documents or in camera hearings, that prior to your Honor ruling on those, that the press be given notice and an opportunity to be heard on these matters.

THE COURT: Well, the Court doesn't anticipate any such motions. Mr. Weingarten, do you anticipate there are going

to be requests for sealing any other documents?

MR. WEINGARTEN: Nothing immediately comes to mind, your Honor. Perhaps the trial brief, when counsel submit trial briefs.

THE COURT: Well, that's to the Court anyway. That's not a public record. I mean, that's for the benefit of the Judge, I always thought.

MR. WEINGARTEN: Okay, and the same thing, I think, would apply to proffers. I don't consider them things that would be filed particularly when they relate to the wiretaps. I think that the James proffer that we just made would fit in that category.

THE COURT: Well, the Court understands the press, the news media, will be covering any hearings and, before the Court rules on any request for the closure of any proceeding or the sealing of any records, the press present in Court will have an opportunity to be heard.

MR. PAUL: Thank you, your Honor. That's what we request.

THE COURT: Present in Court.

MR. PAUL: The Miami Herald is present in Court. I don't know what other press is here.

THE COURT: Don't misunderstand, the Court will be following the procedure of the proposed new criminal rule, which you are familiar with, I assume?

MR. PAUL: Right.

THE COURT: In the event any really crucial hearing is to be closed for any reason, the Court will hear the representatives of the news media who are present in the Courtroom and determine then whether a continuance is necessary to enable counsel to be present.

MR. PAUL: Fine. Thank you.

MR. WEINGARTEN: Your Honor, before Mr. Paul leaves, there's just one other thing. As we review this document on discovery, and I can tender it back to the Court, we would also ask that Exhibit B be included under seal. A and B.

MR. MAVRIDES: As to A and B, Mr. Weingarten is correct as to A and B.

THE COURT: For the protection of the privacy of the individuals there mentioned?

MR. MAVRIDES: Yes, sir.

MR. WEINGARTEN: Yes, sir.

THE COURT: That will remain also under seal, Exhibits A and B.

MR. PAUL: Thank you, your Honor.

THE COURT: Thank you, Mr. Paul.

Anything further on that matter?

It was indicated that the question of venue could be discussed in Chambers during the final pretrial conference. Is it the practice -- it's been my practice in Maine that pretrial

conferences are to sit down in Chambers with counsel and then issue an order incorporating whatever is agreed on. Is that the procedure that counsel would here prefer?

MR. WEINGARTEN: Yes, your Honor.

MR. SHORTER: Yes, your Honor.

THE COURT: Fine.

Is there anything further then as far as this public hearing is concerned at this time?

MR. WEINGARTEN: Just, if I might make it clear on the record, the proffers that we have offered to the Court are court documents to be used at trial but they are not filed of record. Is that the situation?

THE COURT: That is correct.

MR. WEINGARTEN: Okay. Thank you, your Honor.

MR. MAVRIDES: Your Honor, in light of some of the speculated alternatives, regardless of how realistic they might be or not, will your Honor require or permit me to sit through the pretrial conference as well?

THE COURT: I certainly have no objection.

MR. MAVRIDES: All right, sir.

THE COURT: Do counsel?

MR. PAUL: Your Honor, is the pretrial conference -- will that be open to the press?

THE COURT: No, this is a conference in the Court's Chambers, Mr. Paul.

MR. PAUL: We would like to make that request.

THE COURT. The request is denied.

MR. WEINGARTEN: Frankly, your Honor, it's our view that if March 22nd there's going to be a trial of the United States of America versus William Borders, that it is perhaps not appropriate for counsel for anyone else to be present.

MR. SHORTER: Could you say that again, please?

MR. MAVRIDES: Your Honor, if I may, I can resolve the problem. The pretrial conference, as I understand it from this Court, is directed to the attention of the trial of Mr. Borders exclusive of Defendant Hastings?

THE COURT: That is correct.

MR. MAVRIDES: Then in deference to the Court, Mr. Weingarten and the attorneys for Mr. Borders, I will go back to work this afternoon.

THE COURT: Thank you, Mr. Mavrides.

Is there anything further? If there's nothing further then --

MR. WEINGARTEN: Just one brief matter on discovery, your Honor. At the discovery hearing, the Court ordered that the Government turn over to Defendant Hastings all matters that were taken from Mr. Borders' person on the day of his arrest. I would like to do that at this time. We have collected the materials, and turned them over with an inventory to Mr. Mavrides and provide the Court with a copy of the inventory.

HARRY B. DERRY

In addition, the Court ordered the Government to collect all evidence it had of witnesses giving favorable opinions as to Judge Hastings during the investigation.

THE COURT: Oh, yes.

MR. WEINGARTEN: We're doing that, your Honor. I want to get to every Agent who conducted an interview to make sure that my collection is complete. We just haven't finished it yet.

THE COURT: All right. Thank you, Mr. Weingarten.

Well, then Counsel, we will recess until 1:30 and maybe I could ask -- where is the best conference room to meet?

THE CLERK: Right behind the Bench.

THE COURT: Right behind the Courtroom? I will then meet with counsel for Mr. Borders and counsel for the Government in the Chambers which are right behind the Bench here, right?

THE CLERK: Yes, sir.

THE COURT: And if there's nothing further, we will recess until 1:30 this afternoon.

THE CLERK: Yes, sir.

(Recess taken from 12:15 o'clock p.m. to 1:30 o'clock p.m., at which time reconvened with the Court in Chambers and entered upon a pretrial conference in this matter. At the conclusion of the pretrial conference, the following proceedings were had in Chambers on the record.:)

THE COURT: May the record reflect that a final pretrial

HARRY B. DERRY
OFFICIAL COURT REPORTER
U.S. DISTRICT COURT
PORTLAND, MAINE

conference was held this date, commencing at 1:30 p.m., in the action of the United States of America versus William A.Borders, Jr., the proceedings as against the Defendant Alcee L. Hastings having been stayed pending disposition of that defendant's interlocutory appeal from a prior order of this Court. The case number is 81-596-Cr-ETG. Present at the conference representing the United States were Reid H. Weingarten, Esq., and Robert I. Richter, Esq., Public Integrity Section, Criminal Division, Department of Justice, Washington, D. C.; representing the Defendant William A. Borders, Jr., John A. Shorter, Jr.,Esq., of Washington, D. C., and H. T. Smith, Esq., of Miami. Counsel for the Defendant Hastings requested to be excused from the conference and have been excused inasmuch as this conference only relates to the proceedings as against the Defendant Borders. After a considerable discussion between the Court and counsel, the Court and counsel agreed that, because of the publicity which this proceeding has and presumably will be receiving in the Miami area, and the fact that a major conspiracy trial involving Santo Trafficante is due to start next Monday in this Court, and Mr.Trafficante is a name which has been, and possibly will be, associated with this proceeding, this action should be transferred to another District pursuant to F.R. Crim. P. 21(a), and to the extent applicable, 21(b).

Counsel being unable to agree as to the District to which the proceedings should be transferred, the Court determined that the transfer should be to the Northern District of Georgia,

trial to be had at Atlanta in that District, and the Court will enter an appropriate order transferring the proceeding as against the Defendant William A. Borders, Jr., to that District and directing the Court to transfer to the Clerk of that Court duplicates of all papers in the present proceedings and any bail taken, prosecution to continue in that District, all pursuant to Rule 21(c).

The Court further indicated that it would notify the Chief Judge of the Eleventh Circuit, Judge Godbold, who has indicated he will arrange for an appropriate designation by the Chief Justice of Judge Gignoux to hold Court in the Northern District of Georgia for the purpose of the instant proceeding.

With the agreement of counsel, the Court further ordered as follows: That the action be assigned for trial by the Court and jury, commencing on Monday, March 22nd, 1982, at 10:00 a.m. That trial briefs, requested jury instructions, requested voir dire questions and a suggested preliminary instruction to the jury be filed with the Court in duplicate at Portland by Monday, March 15th, copies, of course, being furnished to opposing counsel. The Court further ordered that if there is to be any other disposition than trial of this proceeding, counsel so advise the Court not later than Monday, March 15th. Counsel further agree that Government counsel would furnish to defendant's counsel by Monday, March 15th, its witness list, exhibit list and all Jencks Act materials and the defendant's

counsel agreed that they would furnish to Government counsel by the same date, Monday, March 15th, defendant's witness list, defendant's exhibit list and any documents within the scope of Rule 16 reciprocal discovery requirement which had not previously been furnished to Government counsel.

Counsel further agreed that they would endeavor to stipulate uncontroverted facts to avoid unnecessary proof at the trial, including a stipulation with respect to the tapes to be played to the jury and any transcripts of such tapes, any such stipulations to be filed with the Court, also, by Monday, March 15th. The stipulation with respect to tapes, if counsel are able to agree upon a stipulation, will be as to the accuracy of the transcripts of the tapes and not as to their admissibility. Counsel will include in their trial briefs their positions as to the status of the transcripts in the hands of the jury.

It was further agreed by counsel that all exhibits to be offered at trial will be pre-marked as exhibits prior to trial and delivered to the Clerk, together with a stipulation as to the authenticity and/or admissibility thereof.

The Court and counsel further agreed that the normal trial day would run from 9:30 in the morning until 4:30 in the afternoon, with a 1½ hour luncheon recess and a 15-minute mid-morning and mid-afternoon recess. Counsel indicated they would be requesting daily copy and will confirm that with the clerk at

their earliest opportunity. The record should also reflect that during the course of the conference evidence proffered of other crimes was submitted to the Court and defense counsel but the document is not filed of record.

The Court has endeavored to summarize the conference it has just had. It has lasted some two hours or more.

Is there anything Government counsel wishes to add?

MR. WEINGARTEN: Just this, if I might, your Honor. Previous to this, it was agreed that certain matters that we would submit, and I think the trial brief was one, would be submitted only to counsel for Mr. Borders and then a protective order would issue so that materials would not be disseminated. I would request that that be broadened so that all the materials that we're going to turn over both to the Court -- that we will submit to the Court and to defense counsel on Monday, the 15th, would be under the same protective order so they would neither be submitted to any other counsel or to the press or anyone else.

THE COURT: Is that agreed?

MR. SHORTER: Yes, your Honor.

THE COURT: Would you prepare an appropriate order?

MR. WEINGARTEN: Certainly.

And the only other thing I can think of is the Eleventh Circuit has requested the entire file of United States v. Romano. We will probably seek to introduce at the very least the October 6th order into evidence. We would like an agreement here that the

file can be shipped up to the Eleventh Circuit and that we can use a copy at trial.

MR. SHORTER: All right. And could you also get the docket entries, Isolate the docket entries in that case, also, as well as the order?

MR. WEINGARTEN: Sure.

MR. SMITH: So we will have a reciprocal arrangement with copies of the order of October 6th, etc.

MR. WEINGARTEN: And any other matter in the Romano file.

THE COURT: Mr. Shorter?

MR. SHORTER: I think it would be appropriate to have the pretrial conference minutes disclose that the Court advised counsel that the Court will conduct a voir dire in this case and that the Court will cause counsel to exercise their challenges in a particular order.

THE COURT: All right. I will state it, if you wish.

MR. SHORTER: Yes, your Honor.

THE COURT: All right. The Court indicated at the conference that, pursuant to F.R. Crim. P. 24(a), it would itself conduct the voir dire examination of prospective jurors. I believe the Court had previously indicated that it would not grant a request by defendant's counsel that counsel be permitted to conduct the voir dire and the record may so reflect. With respect to the exercise of peremptory challenges, the Court

indicated that after the initial voir dire of the panel, the Court would call counsel to the Bench, inquire as to whether there are any additional questions which counsel wish the Court to ask of the panel. After the Court has asked any such questions which it deems appropriate, the Court will then provide counsel with an opportunity to exercise any challenges for cause, that's for legal cause. After the Court has ruled on those challenges, the Court will then instruct the Clerk to draw 28 names who will take seats toward the front of the Courtroom. Counsel will then exercise their peremptory challenges by striking names from the list which the Clerk will have prepared, the order of exercise of challenge being as follows: The Government has six peremptory challenges under the Rule and the defendant has ten peremptory challenges, to be exercised, the Government's first challenge, defendant's first and second challenges, and it will go one for the Government, two for the defendant, one for the Government, two for the defendant, one for the Government, two for the defendant, then one Government, one defendant, one Government, one defendant. After the first twelve have been -- after those challenges have been exercised and the first twelve jurors have been selected, the Court will then impanel at least two alternate jurors. Under the Rule, if two alternate jurors are to be impanelled, four additional names will be drawn. The Government has one peremptory challenge and the defendant has one peremptory challenge. If it is determined that three or four

alternates should be drawn, the Clerk will draw four names in addition to the number to be impanelled and each side has two peremptory challenges as to the alternate jurors. To avoid any ambiguity, if a side passes a challenge, that side has lost that challenge.

MR. SHORTER: That's what I was going to ask you.

THE COURT: If, in other words, the Government does not exercise its first challenge and the defendant then exercises two, the Government has lost that first challenge.

The Court further indicated that it would probably not inquire of the venire concerning publicity and what they may have heard of the case until the first 28 names have been drawn and then will inquire of those 28 as to those who have heard or read of the case before and will then inquire individually out of the presence of the other jurors as to what a particular prospective juror may or may not have read or heard about the case.

MR. SHORTER: Yes.

THE COURT: Is there anything further from counsel?

MR. SHORTER: Nothing from us.

(Whereupon, these proceedings were concluded.)

CERTIFICATE

I hereby certify that the foregoing is a true and complete transcript of the proceedings above described, all of said proceedings having been reported verbatim by me on the date indicated heretofore.

Harry B. Derry

OFFICIAL COURT REPORTER

HARRY B. DERRY
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
PORTLAND, MAINE 04112

RESPONDENT'S EXHIBIT #165 2487

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF FLORIDA

No. 81-596-Cr-ETG

UNITED STATES OF AMERICA,
Plaintiff,
vs.
ALCEE L. HASTINGS,
Defendant.

VOLUME 12

United States Courthouse
300 Northeast 1st Avenue
Miami, Florida
Wednesday, February 2, 1983
8:50 a.m.

The above-entitled cause came on for further trial before the Honorable EDWARD T. GIGNOUX, Chief United States District Judge, District of Maine, and a jury, at the time and place aforesaid, pursuant to adjournment taken on February 1, 1983.

APPEARANCES:

SAME AS HERETOFORE NOTED.

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U.S. DISTRICT COURT
MIAMI, FLORIDA 33101

[The following proceedings were had in Chambers out of the presence of the jury:]

THE COURT: Sorry to burden counsel at this point when I know your heads are full of your closing arguments.

There are two matters which I thought I should place on the record.

First, yesterday evening I indicated that counsel could, of course, argue the issue of flight but I had reserved decision on whether I would give a flight instruction.

I understand the defendant requests that I not instruct the jury on flight. Is that correct?

JUDGE HASTINGS: That is the request of the defense, your Honor.

THE COURT: And after having reviewed the cases, my present intention would be not to instruct the jury on flight but to let counsel argue it.

The only circumstance which would cause me to give such an instruction would be if either counsel were to argue the law on flight in some manner which might be misleading to the jury. In that event, I would feel that perhaps I should clarify the law.

JUDGE HASTINGS: Yes, sir.

THE COURT: The second matter I want to call to counsel's attention is that in my Borders' charge, which counsel have generally indicated will be satisfactory, in charging the jury under Count II, the obstruction of justice count, after explaining the substance of the count, I then went on to instruct the jury on the aiding and abetting statute.

Upon reflection, that appeared to be appropriate when Mr. Borders was the defendant, the charge being that he aided and abetted Judge Hastings in the obstruction of justice.

It did not seem to be appropriate in this trial. It appeared to the Court it could only confuse the jury because it is somewhat complicated.

And I simply inquire of counsel as to whether the omission of that charge, that portion of my charge, would disturb counsel.

JUDGE HASTINGS: We defer to the Court's ruling in that regard, Judge, and if you decide that it wold be confusing and if you in your analysis come to that conclusion, then we concur.

MR. WEINGARTEN: We think it is appropriate, your Honor.

The theory of the Government's case as to Count II is that the defendants were aiding and

abetting each other. They had to do certain things individually and individually they were helping each other accomplish a common end and that would be to obstruct justice.

JUDGE HASTINGS: But only I could do the judicial act.

MR. RICHTER: No, but if Borders, for example, told Rico not to tell his lawyer and to withdraw his appeal, then to the extent that that's an act of obstruction, our theory involving Judge Hastings would be under aiding and abetting.

THE COURT: I can understand that, but unless the jury is satisfied beyond a reasonable doubt that Judge Hastings actually issued the order and informed Mr. Borders of the content of the order and the timing of the order in advance of its issuance, I should say it's difficult to see how he could be guilty of obstruction of justice.

In other words, the predicate to any action by Mr. Borders is the alleged action of Judge Hastings in disclosing to Mr. Borders the substance and timing of an order which he had not yet issued and--

MR. RICHTER: I guess I appreciate that fact, but I do think there are acts of Mr. Borders that obviously somewhere flow from that but that are distinct

in the sense of things he was telling Rico like, "Don't tell your lawyer. Withdraw your appeal."

THE COURT: I understand that.

MR. RICHTER: Which, to the extent we want that attributed to Judge Hastings, it would have to be under some kind of aiding and abetting theory because Judge Hastings didn't say those words.

MS. FARRINGTON: Particularly given the fact that the issue, rather confusing issue, as to whether the order was legally correct or not may be misunderstood by the jury.

They can understand, we think, his interference, Borders' interference--

MR. RICHTER: I mean--

MS. FARRINGTON: --Borders' interference with the appeal issue and his interfering with--not telling Borders--

JUDGE HASTINGS: Borders could very well aid and abet me, but the primary situation is a substantive charge of conspiracy flowing into that second count.

[Brief interruption.]

JUDGE HASTINGS: In short, I think the substantive aspect of conspiracy covers all of that and the obstruction charge is clear when you get to aiding

and abetting I am the one that is committing the judicial act.

Even what Mr. Richter says doesn't seem to me to fall within the ambit of me aiding and abetting Borders.

Well, anyway, I defer to the Court's analysis, and I prefer that it not be given, Judge. I will respect whatever you do, of course.

MR. RICHTER: We did charge, Judge, under the theory of aiding and abetting each other. Some acts Judge Hastings is operating as a principal and other acts Mr. Borders is operating as a principal.

There may be disagreement by the Court as to the manner in the way we charge it. That's the indictment before the jury that there were certain acts of Mr. Borders where he is more or less the principal, and when you look at a conspiracy charge, they both have to be principals in a sense with individual acts of obstruction, aiding and abetting Borders.

The jury should understand that an aider and abettor can be liable like a principal and that just happens to be the way we indicted the case.

THE COURT: The problem I am having is this: That if the jury should find that Borders obtained knowledge of this order surreptitiously, as the defendant has suggested in his evidence and argument, I see no way in which Judge Hastings could be guilty of aiding and abetting an obstruction of justice.

MR. RICHTER: I mean, it is throughout a theory and certainly not anything we are going to argue. I think it is legally proper.

If Judge Hastings--if this is the way the jury thinks that it happened, and it certainly would be within the ambit of a lesser included view of the evidence, that Judge Hastings was not going to alter any order he gave, that he was not going to change any order that he gave that, in other words, the ruling itself was not affected, but that he was assisting Borders to make a little money on the side and somehow or other let Borders know that if these people withdrew their appeal, I would reduce their sentence to probation and whatever you can make on that, Bill, go ahead; you are my buddy.

Then, in that sense, we have a classic situation where he is aiding and abetting Borders to obstruct justice by having these people withdraw their appeal, interfering with the attorney-client relationship

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and, I think, you know, it fits within a lesser included ambit of the evidence.

JUDGE HASTINGS: I don't think so, Judge.

THE COURT: Well--

MR. RICHTER: Then again that is how we charge, your Honor, and that is the indictment in the case.

THE COURT: I appreciate that and insofar as Borders was concerned, it seemed appropriate. I still just cannot feel that it is appropriate at this trial where Judge Hastings is the defendant and I regret there is no way to protect the Government's rights in this respect, but I just don't feel that charge is one that should be given.

If I get a question from the jury, "What does aiding and abetting mean," of course, I will have to respond, but you can anticipate I will not give an instruction on aiding and abetting.

JUDGE HASTINGS: Thank you very much, Judge.

THE COURT: And that is all I had other than I am concerned with respect to hissing and applause from the spectators.

I will again go into court before the jury comes in and caution them that there is to be no

demonstration.

JUDGE HASTINGS: Thank you very much, your Honor.

THE COURT: If it does occur, I will simply have to excuse the jury and determine what steps will be appropriate.

JUDGE HASTINGS: Thank you, sir.

MR. WEINGARTEN: I am not going to play tapes.

THE COURT: You are not going to play tapes?

MR. WEINGARTEN: No.

THE COURT: All right. In ten minutes, we will go in.

JUDGE HASTINGS: Yes, sir.

THE COURT: And we will see how it goes. Thank you.

[Chambers conference was concluded and a recess was taken.]

[The following proceedings were had in open court out of the presence of the jury:]

THE COURT: Good morning, ladies and gentlemen, and good morning, counsel.

[Replies of "Good morning, your Honor."]

THE COURT: Before the jury is called to the courtroom, the Court reluctantly must again caution the spectators that there is to be no conversation, no whispering, no applause, no hissing, no disturbance of any kind during the course of the closing arguments which will proceed this morning.

If there is any disturbance, it will be necessary for the Court to interrupt the arguments, to excuse the jury and consider with counsel the steps which must be taken.

This is a joint announcement the Court is making. I have informed both Government counsel and the defendant and his counsel. All are joining in this request.

Closing arguments will proceed at this time. Under the rules of this court, counsel for the Government will argue first. At the conclusion of the Government counsel's initial argument, we will take our

mid-morning recess in order not to interrupt the defendant's argument. The defendant or his counsel will then make their closing argument. The Government counsel then will have a limited period of time for rebuttal.

After the arguments, the Court anticipates it will be time for our noon recess. The Court will return after lunch and deliver the case to the jury with its charge.

Before I forget it, it is the practice of this Court that when the Court is charging the jury the doors will be locked so that people will not be able to come in and out. Anyone who has a real emergency can, of course, leave. But if you are not here when the court convenes for the charge, unfortunately you will not be able to get into the courtroom.

Is there anything further from counsel?

MS. WILLIAMS: Nothing, your Honor.

MR. WEINGARTEN: No, your Honor.

THE COURT: The jury may be called.

[The jury entered the courtroom and the following proceedings were had:]

THE COURT: Good morning, again, ladies and gentlemen.

Again, I express hope you have had a

pleasant evening and are well rested for this day.

At this time, ladies and gentlemen, all the evidence in this case has been presented to you and the counsel will present to you their closing arguments.

Under the rules of this court, Mr. Weingarten, I believe, will argue first for the United States. We will then take our mid-morning recess. The defendant will then argue after our mid-morning recess. The Government will then have or Government counsel will then have a limited period of time for rebuttal.

I anticipate it will then be time for our luncheon recess.

Following our luncheon recess, I will then deliver the case to you with my charge.

I remind you, ladies and gentlemen, that closing arguments of counsel are not evidence. The evidence in the case is the testimony of witnesses and exhibits which have been received during the course of the trial. You should, and I know you will, listen closer to the closing arguments because in them counsel will argue to you as to what they feel the evidence either has or has not established.

So with that, ladies and gentlemen, if there is nothing further with counsel, Mr. Weingarten, the Court and jury will be happy to hear from you at

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this time.

MR. WEINGARTEN: Thank you, your Honor.

May it please the Court, Judge Hastings, Ms. Williams, Mr. Ehrlich, ladies and gentlemen of the jury.

The evidence in this case is finally in. The job of the lawyers is coming to a close. Soon you twelve people or twelve of you will have to decide what are the true facts in this case. Soon twelve of you will have to decide the guilt or innocence of Alcee Hastings.

As I am sure you understand at this point, the charges in this case are most serious. The indictment alleges corruption in this very Courthouse. Soon you twelve will have to decide whether or not Alcee Hastings was involved in this corruption.

At this time, I have the opportunity to summarize the facts in this case in an effort to assist you in understanding the evidence.

There are specific rules that govern this summation. I can refer only to the evidence that has been presented in this case, the testimony, the exhibits, the stipulations.

For me or for anyone else who may appear before you for argument to refer to facts that are not

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in evidence would be absolutely improper.

In addition, it would be improper for me or for anyone else who makes an argument to appeal to your emotions, to your sympathies, to your biases, to your prejudices.

The courtroom is not a theater. Closing argument is not a dramatic speech. It is not an oratorical contest. Rather, it is an effort to get at the truth.

Think of yourselves as scientists with one purpose in mind: Get at the truth.

Now, you don't have telescopes or microscopes but you are armed with tools: Your common sense, your experience, logic that you have gained by living in this community.

Dismiss any argument by any lawyer that does not appeal to your common sense and that does not comport to your experience and your logic.

Remember at all times, the only purpose for all of this time that we have spent, all of this work that we have done, all of these elaborate procedures that have gone into this case, it is for you to return with a fair and just verdict, fair and just to the defendant and fair and just to the United States.

The only way that you will be able to

accomplish this necessary goal will be for you to carefully, thoroughly, even painstakingly go through the evidence in this case and find out what is true.

Now, we have had evidence four days. There have been a lot of witnesses, close to a hundred exhibits. Yet, the decisive issue in this case is mercifully simple.

It is totally clear from the evidence that William Borders, a prominent Washington attorney, is a thoroughly corrupt individual.

It is perfectly clear from the evidence that on September the 12th, 1981, Mr. Borders told a person he thought was Frank Romano that for $150,000 he would see to it that the jail sentences of the Romanos would be eliminated.

It is perfectly clear from the evidence that on September the 19th Mr. Borders went to Florida and received $25,000.

And it is perfectly clear form the evidence Mr. Borders was arrested on October the 9th with $125,000 in bribe money sitting between him and the person he thought was Frank Romano.

It is also perfectly clear from the evidence that Borders alleged to Frank Romano that Alcee Hastings was involved with him in this scheme.

Indeed, the shows of proof, the checks and balances that Borders offered to the person he thought was Romano on September the 12th intimately involved the defendant Hastings.

And they were, as I am sure you recall, two: One, that Bill Borders could produce Judge Hastings at any restaurant that the person he thought Romano named on September the 16th; and, two, that an order would issue in the Romano case returning a substantial amount of property.

The issue in this case, the decisive issue, was Borders telling the truth when he said Alcee Hastings was involved along with him?

Otherwise stated, the decisive issue in this case, really the only issue in this case or the two--meaning Borders and Hastings--working together?

If Bill Borders was telling the truth when he was caught unaware on tape talking to Rico on September the 12th and thereafter, then Judge Hastings is guilty.

If he is not telling the truth, if he was making the whole thing up, then Judge Hastings is not guilty. That is the issue.

Now, to the evidence. You recall in opening statements both Mr. Richter and Ms. Williams likened the evidence that you are about to hear to a puzzle, a jigsaw puzzle.

Well, yes, there were a lot of individual pieces and if you take each individual piece and hold it up, it is not clear what it all means.

But now you have the whole puzzle before you and let me attempt to make some sense of it.

First and foremost, the Romano case. I assure you, ladies and gentlemen, to do your job right as jurors, you need not be experts on the racketeering

statute. I assure you, to do your job right, you need not know the details of the Romano case intimately. And I assure you, you need not decide whether or not Judge Hastings' order returning the property was properly issued or not properly issued.

The point of the Romano case is timing, when certain events took place. And let's run through them.

December 23, 1980, the Romanos were convicted of a number of offenses including racketeering. Perfectly clear from the evidence that the gist of what the Romanos did is that they bilked the New Jersey Teamster's Pension Fund out of a whole bunch of money.

Perfectly clear from the evidence that the Romanos' fraud amounted to about 1.2 million dollars.

The next critical event after their conviction is the May 4th forfeiture. This is what you need to know about the forfeiture.

The Government, after convicting these racketeers, could take away some of their property and the property that was available for forfeiture came in two kinds. One was money that had been put into a restaurant, the Sea Inn, by the Romanos, that amounted to about $350,000.

On the other hand, cash floating around

there that were the proceeds of the Romanos' fraud. That totalled about $850,000.

The evidence is on May the 4th, Judge Hastings issued an order forfeiting the total 1.2 million dollars.

The next significant event, June 19th, Martino case. You have heard a great deal of evidence about the Martino from some very smart lawyers. You heard from John Deichert. You heard from Jeffrey Miller. You heard from Neal Sonnett.

You need not concern yourself, ladies and gentlemen, with the details of the Martino case. What is clear from every witness who has testified is that the Martino case cast doubt on Judge Hastings' forfeiture order of May the 4th.

A brief was submitted to him by the Government "him," being the defendant, a brief was submitted to him by Neal Sonnett; a memo was written by Jeff Miller, all to the effect that Martino had a profound effect on the May 4th forfeiture order.

Nevertheless, for whatever reasons, on July the 8th, 1981, Hastings affirmed his original forfeiture order.

He said irrespective or words to this effect, irrespective of Martino, 1.2 million dollars

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remains forfeited.

And in addition, he sentenced the Romanos to three years in prison.

Between that order, July 8, 1981, and September the 10th, 1981, Jeff Miller, Judge Hastings' law clerk, discussed the Martino case with Judge Hastings, discussed another case, the Peacock, with Judge Hastings which equally cast doubt on the original forfeiture order.

And what is clear is that by September the 10th--and it is clear from Jeffrey Miller's testimony--his instructions from Judge Hastings were, "Give the money back."

What money? The cash, the cash that had been put into question by Martino. Not the restaurant, not the $350,000. There was never any question about that forfeiture order. But the cash, whether or not the Government could attach cash that had been generated from the fraud was the issue in Martino.

It was the issue that was argued on July the 8th and it was the issue that remained in the original forfeiture order.

It is clear as crystal that as of September the 10th, Judge Hastings' instructions to Jeff Miller were, "Give the money back." The only issue that remained

was when the money would be returned.

And that question, that decision rested solely with Judge Hastings. You will recall evidence was elicited during my cross examination of Judge Hastings that on occasions when a Romano order would be issued or an event in the Romano case would be about to take place, there were telephone calls initiated by Judge Hastings to William Borders.

Yes, May the 4th, the original forfeiture order, Judge Hastings called William Borders.

May 11th, the original sentencing date, 6:27 that morning Judge Hastings called Mr. Borders.

And July 8th, the day the forfeiture was affirmed, the day before and the day after, Judge Hastings called Mr. Borders.

I ask you to remember that sequence when we get to the October 6th order. At all times, at all times, if the Romanos had withdrawn their appeal or at all times in this case if the Romanos had withdrawn their appeal from the Fifth Circuit and filed a motion to mitigate sentence, it would have been within the power of Judge Hastings to reduce their prison sentences.

Special Agent Murphy testified that an individual named William C. Dredge came to the Government and made an allegation.

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Pursuant to that allegation, the FBI took a look at the Romano case and decided that an undercover project was necessary to make a determination whether or not the allegation was true.

They retained the services of Retired FBI Agent Paul Rico to pose as Frank Romano with one purpose in mind, to meet with Borders, see what Borders had to say, see if the allegations were true.

The meeting between Borders and Rico was set up on September the 10th, 1:29 p.m., when Dredge, in the presence of Murphy, called Borders from his place of business.

And there is evidence from the defense that Dredge frequently called Borders and you can infer that the two, in fact, had a relationship.

This time, on this call, Dredge says to Borders, "My people are ready to deal."

The meet was set up for the following morning--not the following morning--Saturday morning, September the 12th, 8:00 a.m., at the Miami International Airport.

Now, it is perfectly clear from the evidence that Judge Hastings had long intentions to travel to Washington that weekend and the morning of September 10th, he called Borders up in Washington and

said words to the effect, "Because I am in trial, my plans are delayed and I won't be leaving for Washington today."

There are a series of telephone calls after the Dredge call to Borders between Borders and Judge Hastings indicated on the chart.

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One is reflected by a message from Judge Hastings to Mr. Borders. The message is, "He will be waiting for a call. Have them get him off the Bench. Also, let you know, if you call, to get him off--to get him to the telephone."

The question in this flurry of telephone activity between Borders and Hastings on September the 10th, what was it all about?

Is it just a coincidence that it followed immediately the call from Dredge to Borders that set up the first meet?

I think the answer to that question comes to the following day. Judge Hastings indeed traveled to Washington on September the 11th.

His original plan is to leave about 3:30 or 4:00 o'clock. He is scheduled to arrive in Washington, D.C., 6:00 o'clock.

As you recall from the evidence, Borders was originally scheduled to leave Washington for Florida at 7:30 p.m. That would have put Judge Hastings at National Airport in Washington, D.C., at 6:00.

Borders, National Airport, scheduled to leave at 7:30. There is a message from the airport, from Judge Hastings to Mr. Borders, 4:20 p.m., at the airport on September the 11th, Friday, "Flight further

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delayed. Not leaving until 5:00."

Why was it so important for Judge Hastings to communicate to Mr. Borders that his flight was further delayed? Is it because he simply expected Mr. Borders to be at the airport to pick him up when Mr. Borders, himself, had travel plans to leave for Florida from the same airport, or was it essentially for Mr. Borders and Judge Hastings to meet at that airport, however briefly, in anticipation of the following morning's meeting between Borders and Romano?

Well, the answer we believe comes in Borders' response.

What does he do with Judge Hastings' plane delayed? Does he make a 7:30 flight down to Florida? No. He changes his plans. Instead, he takes a later flight.

Judge Hastings arrives at 8:00 at National Airport; Borders does not leave from National Airport until 9:30, that night.

Always that hour and a half gap when they both would be at the airport. First, their original plans and then how it evolved.

Strong evidence that the two met at National Airport for a precise purpose.

What purpose? The meet the following

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day. Let's turn to that meet, September the 12th, 1981, Miami International Airport.

Mr. Dredge makes the introduction. Rico, posing as Romano, Borders. What is the last thing Dredge says to Borders? "You are in good hands."

Borders, thereupon, makes his proffer, makes his offer: $150,000, sentence is reduced to probation.

Rico says, "How do I know? Check and balances. How do I know Judge Hastings is truly involved?"

"Two shows of proof: One, I will have him at any restaurant you select on September the 16th."

And remember this, because it is important. You heard evidence that Judge Hastings is an incredibly busy man, travels all over the place, has many, many speaking engagements.

On Saturday morning, September the 12th, Borders committed him to being at any restaurant Romano would name on Wednesday on September the 16th, four days laters.

Judge Hastings testified that Borders never approached him until after that, until either that Saturday night or the Sunday morning. How could Borders have committed Judge Hastings to an appearance at any restaurant on September the 16th if he had not been in contact with Judge Hastings on that very point prior to the September 12 meet?

Of course, within ten days an order will be signed returning a substantial amount of property. Remember the numbers, 1.2 million dollars forfeited. The restaurant, $350,000, no issue. The cash, $850,000 out of the 1.2 million, a very big issue, an issue raised by Martino on June 19th, still forfeited by Judge Hastings on July the 8th and outstanding as of September the 10th and Jeff Miller receiving instructions to give him or give them the money back.

There's an interesting portion of the September 12th meeting that I would like to refer you to.

Incidentally, you will have the opportunity on any occasion to listen to the tapes again, to receive any evidence you want in this case, but I would like to refer briefly to an occasion when Mr. Borders and Mr. Rico are discussing the dinner.

Rico says that they are talking about the

time, they are talking about the place and at one point Rico goes:

"Uh, uh, Judge," and gets out the words "J-u-d". Mr. Borders immediately cuts him off and says that somebody would have dinner there.

I submit to you at that point Mr. Borders is being protective of his friend, Judge Hastings. He cut Rico off right when Rico was about to say Judge Hastings. I submit to you he did so because he did not want Judge Hastings' name even mentioned. I submit to you he was doing that for protection, for insulation, for his close friend, Judge Hastings.

All the while when this meeting is taking place, Judge Hastings is at the Sheraton Hotel in Washington, D.C. An important point of evidence. From the meet Borders goes to a family reunion. Remember this evidence. At least 100 relatives there. His mother had flown down the night before. The reunion was the first one for the Borders family, at least six months in the planning, and was scheduled to last an entire weekend.

Borders gets there, is picked up at the airport by a cousin, and stays for a very short time, and then rushes back to Washington, D.C., gets to Baltimore Airport by nine o'clock. What does he do from

there? He goes right from Baltimore Airport to Judge Hastings' room at the Sheraton Hotel.

Of course, when he arrived there, there were people. There were two sisters and there was Judge Hastings. There was Mr. McCrary and Mr. McCrary's former law clerk.

Two questions: Of course, they hadn't had dinner yet. It just so happened that Bill Borders broke in, "What a nice surprise, and let's all have dinner."

Two questions: Why was Borders in such a hurry to get back to Washington? Why didn't he stay at this wonderful family reunion that's been in the making for so long?

I think the answer is clear. He was extremely eager to report back on the results of his meeting and the question is was it really a surprise? In fact, wasn't Judge Hastings planning to receive Mr. Borders? Was it just a coincidence that there was another woman there waiting? Was it just a coincidence that in fact later Mr. Borders went off with that woman? Is it just a coincident they hadn't had dinner yet? They were just sitting around and waiting and in comes Mr. Borders.

I submit to you that the evidence is

crystal clear on this point. Mr. Borders rushed back to Washington, D.C. fully expected by Judge Hastings for one purpose and one purpose only and that is to report on what happened at his meeting that morning.

The dinner at the Fountainbleau. According to Judge Hastings' testimony, Borders mentioned that that Saturday night at the Sheraton or the following morning when he took him to the airport. Remember this piece of evidence, ladies and gentlemen. How could Borders have committed Judge Hastings to appearing at any restaurant on September the 16th at eight p.m. if it had not been prearranged.

Take a look at Judge Hastings' travel schedule. The speeches he makes. How in the world could Borders have told a racketeer that I will have this man at this place at this precise time if it had not been pre-arranged.

A question for you: Did Judge Hastings act at the Fountainebleau as if he was going to meet William Borders. He walks in with his date, Essie Thompson, reservations for how many? For two? Essie Thompson and himself. How about reservations for Mr. Borders? He was supposed to meet Mr. Borders at eight p.m. at the main dining room and he didn't intend to have dinner with him. Two place setting immediately

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removed when the couple sits down.

No Mr. Borders. Is there a page in that enormous hotel for Mr. Borders?

Does he go to the front desk and say, "Page Mr. Borders. I am missing my friend"? Does he use the telephone? Does he search the other dining rooms for his friend, Mr. Borders, no matter where those dining rooms in that hotel may be?

Does he go upstairs? Does he go downstairs? No. What he does is he sticks his head in the Poodle Lounge, and I submit to you he did that to be assured that Romano or Romano's people would in fact know that the first part of the bargain had been met, that Judge Hastings did go to dinner consistent with William Borders' representations.

Why, if he was expecting William Borders, did he never mention his name to Essie Thompson? Was he ashamed of his friend Mr. Borders, the president of the National Bar Association, on a Presidential commission to select judges, prominent, powerful attorney in Washington, D.C.?

Why did he not mention William Borders' name to Essie Thompson? I think the answer is obvious. Judge Hastings had no intention of seeing Mr. Borders that night, and he walked around that hotel, stuck his

head in the bar for one purpose and one purpose only, and that was to be seen.

The fight, the Hearns-Leonard fight, why is it important? It's important not because it was one of the biggest fights in history and Sugar Ray Leonard knocked him out in the fourth round; it is important because it was the same night as the Fountainbleau dinner.

Bill Borders had plans to go to that fight for at least a month with his friend Madeline Petty. If he was ripping off Judge Hastings, if he had this incredible scheme afoot to trick Judge Hastings into appearing at a dinner pursuant to representation that he would be there, would he pick a night when he was 3,000 miles away at one of the most highly publicized sporting events in history?

Does that make any sense at all? Mr. Borders is supposed to be the secretive person. He never tells people where he is going or what he is doing. Was the fight any secret? Was it any secret that Madeline Petty and William Borders had plans to go to that fight at least a month in advance?

He picked up his fight ticket two weeks in advance. Was it a secret in the law office with Cynthia Rogers? You heard her testimony. He talked about it with Hempy Pride before the fight. Hempy Pride is Judge Hastings' best friend. He even talked about his fight plans with the person he thought was Romano on tapes.

Would he have had Judge Hastings appear at a restaurant pursuant to a representation by him that he would be there on the same night when everbody in the world knew he was 3,000 miles away.

This was an incredible scam and the following day Judge Hastings picked up the phone and called his office and said, "Where is this guy? He never showed."

And they said, "He's been in Las Vegas." What would have happened to that scam?

Again, ladies and gentlemen, Borders was not concerned about that because Alcee Hastings had no intention at all of having dinner with him on September the 16th.

What's Judge Hastings' explanation about what Borders told him. Well, he called on September 20-- September 21-- he is not sure--and explained that he got tickets to the fight. Isn't it curious that that call is not reflected on any toll record of Mr. Borders either from his home or from his office?

What happens after the fight on September 19th? Of course, Mr. Borders goes back down to Florida, receives $25,000 down payment. He clarifies the typing of the order with Mr. Rico and indicates that ten days from the date of the down payment the order will be issued and they schedule a meet with a final payoff of October the 3rd, two weeks later.

Come October 1, no order--no order had been issued. The Government at this time received court

authorization to place electronic surveillance equipment on the home and office telephones of Mr. Borders. Rico, posing as Romano, called Borders at 3:10 p.m. on Friday, October 2, and says, in effect, "What's happened? Where is the order?"

On the chart, that's indicated "What's happening?" and Border says, "I will check into it," and this is important. You will recall on that occasion Mr. Borders is at another office in Washington, D.C. It is 3:10 p.m. The call is patched through to Mr. Borders at that office. You will recall evidence as well, Mr. Borders returned to his office and within minutes what happens?

Well, it's indicated on the chart. Within minutes of returning to his law office, after he received the call from Mr. Rico saying, "What's happened to the order?"

And Border says, "I will check into it," he calls Hastings' chambers at 4:15 p.m. Cynthia Rogers places the call and Alan Ehrlich receives the call. Judge Hastings is not there. Next, Sunday, Rico calls him back.

"Where's the order? What's going on?"

Border says, "I don't have the answer for you" and what is the next significant event in this case

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that we learn from Judge Hastings' mother?

William Borders calls Judge Hastings' home. Is it just a coincidence that upon the two calls Rico asks him about the order. The next thing Borders does that we know about is he calls Judge Hastings.

For what purpose if not to find out about the order. What happens? What is the significant evidence on the first work day back in the office after the Friday call from Rico inquiring into the order?

Judge Hastings goes to Jeffrey Miller and says, "Do the order. I want the order today." That order had sat since July the 8th, precisely the same issues had been raised on July the 8th that now had to be considered. Nothing had happened on that case in the form of motions or new arguments between July the 8th and October the 5th and lo and behold the first work day after Rico makes his call, the Borders wanting to know where is the order, Judge Hastings strides into his office and says, "The order. I want the order today." Just a coincidence. Just another coincidence. Just another coincidence that the order sat for months and on this morning after that telephone traffic between Mr. Borders and Judge Hastings, he instructs his law clerk, "Do the order. I want the order today."

At 4:22 p.m. Rico called back. Borders

checked on it. It hadn't gone out yet. Probably today first thing in the morning.

That representation by Borders is consistent with someone who is assured that the order is coming someone who is stalling the person who believes is the racketeer Romano, but doesn't know for sure exactly when that order will be issued.

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But he finds out. He finds out in just a very few minutes. The October 5 call, 5:12 p.m. finally contact between Judge Hastings and Mr. Borders. There's no evidence in the Government's case of contact between Mr. Borders and Judge Hastings from September the 19th, when Bordars receives the twenty-five, and October the 5. That is consistent with having an essential need on Mr. Borders' part, and Judge Hastings' part, for an exchange of information.

For this bribery to go off, Judge Hastings has to know whether or not money had passed hands. Mr. Borders had to know when the order would be issued.

October 5, 5:12 p.m. the call is placed by Judge Hastings. At this time Judge Hastings is concerned that his telephone is being tapped. Borders is being described as being paranoid about telephones. In fact, there is in evidence this statement by Judge Hastings:

"Some time before this investigation was made public in a full staff meeting, I related to every member of my staff that I felt my telephone at home and the phones at this office were being surveilled. Because of that I encouraged that they be very mindful of their undertakings." And indeed Judge Hastings was very mindful of his undertakings on October the 5,

5:12 p.m.

Judge Hastings had to know whether or not Borders had picked up money. Borders had to know when the order would be issued.

What does Borders say, among other things, and if you want to hear this tape, you simply have to request it and you will get it.

"I talked to him and he wrote some things down for me. Wrote some things down for me. And then I was supposed to go back and get some more things."

Well, Rico had given him some things and Borders was scheduled to go get some more things. What does Judge Hastings say?

"I have drafted those, uh, letters, drafted those letters," and finally says, "I will send the stuff off in the morning." And we will discuss later Judge Hastings' explanation for that call, but Borders says,

"I went down to get some things and am going to go down and get some more things." We submit to you it is perfectly clear he was exchanging a specific piece of information at that time. He had received money and he was scheduled to go get some more.

"Judge Hastings, I have drafted those letters. Those letters will go out in the morning."

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I submit to you it is perfectly clear in context the timing of that statement, the timing of the Romano order, that he is saying that the order has been drafted and it will be released the following morning.

Remember Agent Robert Foster's testimony concernign wiretaps. He said that it's rare in his experience that there would be clear references to crime, rather you must use your common sense. You must relate contents of the evidence, the contents of the telephone call, to the evidence before you.

I submit to you if you do that, "Stuff" has no other meaning but money and "letters" has no other meaning but the draft. The order was issued October the 6th.

October the 7th, there's an important call and I refer you to the chart.

At 12:20 p.m. Borders calls back and says, "What's going on? Where is the order?"

He says, "Nothing has happened yet." And note well, please, Borders' response: "It went out yesterday morning."

Now there's no evidence of contact between the October 5th, 5:12 p.m. telephone call, and the 12:29 call with Rico. Borders tells Rico it went out yesterday morning. He's talking about the order.

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How did he know that? Where had he gotten that information.

Well, look back at the 5:12 call. What does Judge Hastings say?

"I will send it out in the morning." I submit to you, ladies and gentlemen, that is clear proof that what these two men were talking about in their own coded, cryptic way on October the 5th was timing of the issuance of the order. How else could Borders have told Rico affirmatively, "It went out yesterday morning."

He was relying on the information he had received from Judge Hastings two days before. Indeed, the Government didn't even have the order at that time, 12:29 on October the 7th, but Borders made the representation that it went out the morning before.

Rico called back later and says, " Yeah, we have got the order. Everything is fine." And they begin to make arrangements for the final payoff.

Borders asks Rico, "Are you coming up to Washington?" It's agreed that's how it will be done.

The following day, lo and behold, another call from Judge Hastings to Mr. Borders and he annou es his travel plans. He, too, will be in Washington the following day. And, of course, there's a huge gala scheduled for Mr. Borders to congratulate him for his

service as the president of the National Bar Association. Hundreds of people are invited from all over the country, dignitaries, lawyers, whatever. Of all the people that are scheduled to appear, all the people who have been invited, who does he pick up at the airport?

Alcee Hastings.

Who does he rent a room with? Alcee Hastings.

How are the rooms connected?

It's a suite and adjoining room.

Who does he go to the law office with? Alcee Hastings.

Who is with him when he makes his calls to Rico to set up the final payment? Alcee Hastings.

If this was Borders on his own, what an incredible risk he would be running of talking to Rico from his law office with Judge Hastings right there.

Borders goes to the hotel. Rico is there with the suitcase with the $125,000. Borders says, "Let's get in the car." He drives off and he's arrested.

Two charges in this case, two counts, Count I is a conspiracy to commit bribery and to defraud the United States. You will listen carefully, I'm sure, to the Judge's instruction on the law. He will explain what that means.

Essentially a conspiracy is an agreement between two people, in this instance, to take money from someone they believe was Romano, in return for judicial favors.

Count II is obstruction of justice. Again, Judge Gignoux will carefully instruct you as to the law as to this count. Essentially the law prohibits any effort to disturb a case in an improper way. In

considering whether or not the evidence in this caseis sufficient to make out these charges, you may consider the quality of the defendant's evidence. You may consider his total recall of the events of October 9, including U-turns around the Superior Court of the District of Columbia and his total lack of recall as to telephone conversations he had with Borders during the critical times in the Romano case.

You can consider his total recall as to conversations he had with taxicab drivers and bellhops and his lack of recall as to what he knew about the substance of the anticipated Romano forfeiture order.

You can consider the credibility of his statement that he did not know the substance--what was going to be in the October 6th forfeiture order--before Jeffrey Miller presented it to him.

Is that credible? He sits on the Bench and listens to the forfeiture trial. He rules as to the forfeiture on July the 8th. What was so complicated you have to see in $350,000, you have cash, $850,000; is it credible that Judge Hastings had no idea that the only issue before him, the only issue to be ruled upon, was the $850,000 returned to the Romano brothers?

Most of all, you can consider his explanation for the October 5, 1981, 5:12 p.m. telephone

call. His explanation, as I heard it, is that Borders was pestering him about Hemphill Pride, about getting money together for Hemphill Pride.

Well, note, October 5, 1981, he was pestering Judge Hastings about Hemphill Pride. I invite you to look at the toll records.

How is he pestering him? Is there telephone calls that are reflected by those toll records? Who initiated the call on October 5? Was Mr. Borders calling him off the Bench?

Hemphill Pride. Hemphill Pride. No.

Judge Hastings intiated that call, and prior to that call, there is no call indicated from Mr. Borders to Judge Hastings either on his business phones or on his office phones.

If in fact this conversation is about Hemphill Pride, what is Bill Borders talking about when he says, "I went down to get some things and I've got to go down and get some more things?"

What was he talking about there? Was he talking about Hemphill Pride's financial condition? Didnt Judge Hastings know the financial condition of his best friend? Was it necessary that he write letters, that Bill Borders go back to South Carolina for some reason, and yet Judge Hastings said, "I understand. I

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understand." He knew exactly what he was talking about, and it makes absolutely no sense to suggest that it applies to Hemphill Pride.

"Send them off in the morning to Columbia." Judge Hastings' final words: "I will send the stuff off to Columbia in the morning."

And with that let's turn to the letters. They are in evidence, and you will have ample opportunity to study them, to look at them, to carefully assess them. They are allegedly written pursuant to the pestering of Bill Borders while Judge Hastings was on the Bench in an extortion trial.

In the middle of the extortion trial of Dominic Santorelli, Judge Hastings goes off and writes letters to Hemphill Pride and he tells Bill Borders later, "I will send the stuff off to Columbia in the morning."

Never dated. Never typed. Never mailed. Never shown to Hemphill Pride. Never shown to anybody. Never shown to the Government until one year after the indictment in this case, even though other discovery materials were turned over by the defendants within weeks of the indictment.

Why weren't they shown to people by Pride? Why weren't they discussed with people by Pride?

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He was to see Hempy Pride within days of the time he allegedly wrote those letters. He wrote those letters, according to his testimony, on October the 5th. He was planning to go to Washington to see Hempy Pride and to see Bill Borders.

Yet the letters are never typed, never sent, never discussed, never shown to Hempy Pride, nothing.

From Day One it was clear in this case that whether or not there were letters, drafts of letters, any kind of letters, was an essential point to explain the October 5, 5:12 p.m. telephone conversation.

Within weeks of the indictment, a mass of material is turned over to the Government pursuant to discovery. Why weren't the letters turned over? Why were the letters only turned over right before this trial?

I submit to you the answer is clear and the answer is because they didn't exist.

And further proof of that is an examination of the contents of the letter or letters. There are three.

One allegedly is a cover letter to Hemphill Pride. Why was it necessary to write a cover

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letter to Hemphill Pride when he was going to see him in a few days?

The second letter allegedly solicits money on behalf of Hemphill Pride. Is that consistent with Judge Hastings' prior action on July 18, 1980?

Hemphill Pride then asked him to solicit money for him to help him. What was Judge Hastings' response one year before this? His response was, "I am a federal judge. I can't solicit money for you. It would be improper."

What happened in that year that all of a sudden made it proper for Judge Hastings as a federal judge to solicit money for his friend, Hemphill Pride?

I submit to you nothing. And I say his prior response to Hemphill Pride was exactly appropriate and that in fact he had no intention whatever to solicit money for Hemphill Pride in an organized fashion one year later.

The second letter, soliciting letters of character for Hemphill Pride. It's perfectly clear from the evidence that Hemphill Pride was indefinitely suspended from the practice of law for two years. An indefinite suspension came down in May of 1981. This letter soliciting character references was allegedly written a few months after that. Hemphill Pride, under South Carolina law, could not--could not apply for re-instatement for two years, about 18 months after this letter was allegedly written.

Would Judge Hastings have known the law on that? I submit to you that his indefinite suspension

was a great victory for Hemphill Pride. He could have been disbarred forever, but rather he was only indefinitely suspended. Is it not logical, is it not likely that he would have told his best friend that? Is it not logical, is it not likely that Judge Hastings' first question would have been, "What does that mean, Hempy? When can yoube a lawyer again?"

And is it not logical and is it not likely that Hemphill Pride would have said, "I've got to sit out two years and then I can apply again."

Would not a lawyer, would not a judge, have known that information? Would not that be central to what was going on between these two men? And yet, the letter that is offered into evidence is said to you to be a general character offering that they were going to send these letters.

To what effect? If he was not eligible to apply for reinstatment for two years, what were these letters to do?

They were to do nothing because they were made up to meet the evidence in the Government's case.

I submit to you that the best evidence of that point comes from Hemphill Pride himself. You recall his testimony.

I submit to you it was crucial to this

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case. Before I read to you what he said, and this is a very important point, I caution you, some witnesses for the defense have testified about Hemphill Pride in an effort to discredit him in some way.

They needn't have done it. Hemphill Pride, let's face it, is a felon. He was convicted of a serious crime. He was sent to prison. Naturally, his credibility is in issue. I also submit to you it's 100 percent clear that in their long friendship, Judge Hastings has done many fine things for Hemphill Pride, and particularly his family.

There's absolutely no issue about that. What's at issue is whether or not these letters are genuine. I submit to you the best evidence that they are not comes from Hemphill Pride and when I read his testimony, keep in the back of your minds the fact that they are best friends, Pride and Hastings, and that Pride would do anything in the world to avoid hurting Judge Hastings. Also, keep in mind the fact that he is a lawyer; he knows exactly what's going on in this case.

"Q Mr. Pride, to your knowledge, on or around October 5, 1981, four days before you saw Judge Hastings, was Judge Hastings drafting any letters for you?

"A Not to my knowledge.

"Q To your knowledge, around--on or around October 5, 1981, had you written anything or had you written anything down for Mr. Borders?

"A I had not written anything down.

"Q On or around October 5, 1981, was Mr. Borders scheduled to go back to you and to receive anything?

"A No.

"Q On or around October the 5th, had Judge Hastings sent anything to you in the mail?

"A No.

"Q To your knowledge was Judge Hastings soliciting anything for you in October 1981?

"A Not to my knowledge.

"Q Was he soliciting any monies for you at that time?

"A No.

"Q Was he soliciting any letters for you at that time to help you get back into the Bar in South Carolina?

"A No.

"Q In October, '81, or September, '81, did you ask either Judge Hastings or Mr. Borders for help in getting back into the South Carolina Bar?

"A No.

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"Q Were you aware of any help that they were providing for you at the time?

"A I was not.

"Q Did you ever discuss at that time, September or October, 1981, any help that he may provide to you for getting back into the Bar?

"A No, I did not.

"Q Would you have sought any help from either of these two gentlemen at that time?

"A No, I wou l d not have.

"Q Why not, Mr. Pride?

"A My getting back and practicing law was purely a local matter. I didn't feel there was any assistance that they could lend in that matter.

"Q When you say 'local', you mean--

"A It was a South Carolina matter."

It is entirely consistent with the fact that in July, '80, there was a hearing in South Carolina to determine Hemphill Pride's character vis-a-vis the allegations having to do with whether or not he was going to be suspended or disbarred. You recall from Judge Hastings' testimony he barely knew of it. The reason he barely knew of it is because it was a South Carolina matter. Hemphill Pride relies heavily on Alcee Hastings,but not concerning the South Carolina Bar situation. He was not eligible for two years.

Those letters would have served no logical purpose. The best evidence of those letters are phony, phony evidence to explain away the incriminating 5:12 p.m. call, comes from the defendant's best friend.

You may also consider evidence of Judge Hastings' reaction to William Borders' arrest. The evidence is clear, and I believe undisputed, that a lawyer named Shorter called Pride at the L'Enfant Plaza and told him three things, or essentially three things:

Bill Borders had been arrested having to do with some bribery in Judge Hastings' courtroom; that the FBI wanted to see Alcee Hastings. Pride immediately relayed this information to Hastings. Pride's advice was, "If you have a problem, go home. Get a lawyer. Fight it on your own turf."

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Thereupon we have a dispute in the evidence. Hemp Pride testified he was with Hastings the whole time. He packed his bag and left. Judge Hastings testified he made telephone calls. He called his mother and he called his friend, Patricia Williams.

If it was simply a matter of putting Hemphill Pride's credibility on this issue versus Alcee Hastings', perhaps we would be reluctant to at this point say it is perfectly clear that Hemphill Pride is testifying truthfully about these telephone calls.

But I submit to you we needn't do that because we have toll records. We have hotel records. There is not a telephone call reflected on the L'Enfant Plaza bill. There is not a toll call reflected on that bill.

All kinds of charges. The valet, the suit, the liquor, the lunch, all of that is reflected on the bill.

There is not a toll call to Florida reflected on that hotel bill.

So, you say that is reasonable. I have been to hotels. Sometimes they miss bills. We did more. We brought in Mr. Blocker and we supplied you with evidence of every long distance telephone call that was made from that hotel that day. Those records were received from the telephone company that night, October the 9th, kicked right back to the L'Enfant Plaza. There are no long distance calls reflected to Florida on that date, period, from any room from any telephone call in that entire hotel.

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What is Mr. Blocker in this case? He is simply a custodian of records testifying to the best of his ability.

Asked whether or not there could have been three long distance calls not picked up by his system--ten years at that hotel--"Impossible."

The evidence is clear, not on Hempy Pride's word but on Hempy Pride's words plus those toll records.

Alcee Hastings took off from the L'Enfant Plaza. He took off because he was--and he was not the least bit interested in what was going on with his friend Bill Borders because he knew precisely what Borders was up to when he got arrested. And he wasn't the list bit interested in talking to the FBI until he had time to collect himself and to put togetner his story.

Just thing about it. He comes up to Washington that morning for the express purpose to help celebrate his friend's gala affair. Within hours, he hears news that he has been arrested and it concerns bribery in Judge Hastings' courtroom.

What was tne response? Call the FBI and say, "What in high heaven is happening here?" Not at all. Not at all. Right out the door to the Baltimore-

Washington Airport.

And it is an interesting thing. Why the Baltimore Airport? Why did he spend $50 on a cab ride when, within eyeshot of the L'Enfant Plaza Hotel is National Airport with an available Eastern non-stop flight that would have gotten him home two and a half hours before he did get home at Miami where his car was parked?

Judge Hastings says, well, he didn't know about that flight. He thought there was a better flight up at Baltimore-Washington Airport, that turned out to stop in Atlanta and get him home two and a half hours later after the Eastern flight.

Didn't know about that flight? When he was in Washington in July, two months before, he took Flight 197 home, a non-stop flight to Miami.

It was a rather touching point. Hempy Pride says, "I'll drive you to the airport." Hastings says, "No, Hempy," or words to this effect, "You are on parole. You go back to your family."

What was he concerned about? He was not involved in this. What would be the big deal about Hempy Pride having been on parole? I submit the deal was Alcee Hastings was involved and happened to be kind enough not to want his friend Hempy Pride to be involve

with him.

He goes to BWI without an airlines reservation, just jumps in the cab and drives up the Baltimore-Washington Parkway, snoozes he says, and gets to the airport without a reservation. Doesn't make a reservation. Doesn't even stop, dial a telephone and say, "When are the flights?"

Would he not have found out if he had done that that four miles away at National Airport there was a non-stop flight he could have taken that would have gotten him to Miami two and a half hours before he did, where his car was parked?

Of course, he started making calls when he got to the Baltimore Washington International Airport, and I submit to you that is when he started making his calls and when he got to the airport by 4:37 p.m. because of the first call to his mother. That would mean he left approximately 3:30 or a little bit after or a little bit before.

But remember the FBI testimony that they knocked on his door around 3:30 looking for him and ne wasn't there.

So I sumbit to you the second that he got his things together and could get out of that hotel that is exactly what he did.

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What are the telephone calls? 4:37 p.m. he calls his mother from Telephone Booth No. 1, speaks to her; 4:43, calls his mother back and speaks for another two minutes; and then we begin a pay phone shuffle. 5:06 p.m. he calls Patricia Williams from the second telephone booth. There is a call back from Patricia Williams to a third telephone booth one minute later.

I submit you can infer that he called Patricia Williams and said, "Call me back at another telephone booth," and she did that. That call lasts one minute as well.

Then there is a call fifteen minutes later from a Patricia Williams at a telephone booth at a mall up to Alcee Hastings at Telephone Booth No. 3. This takes place for one minute as well.

Telephone Call No. 4 takes place two minutes later. Alcee Hastings from Telephone Booth No. 4 calls Patrician Williams at a mall in Florida and finally they speak for four minutes.

All of these calls, by the way, took place before he made his reservation to come back to Florida.

Why the four telephone booths? What was he so afraid of? Why was he so desperately seeking to prevent anyone from overhearing what he had to say? What was he so afraid that the FBI would overhear?

I submit to you this is a man in a panic, a man who never once considered going to the FBI and saying, "What in high heavens is going on here?" A man who desperately wanted to avoid contact with the FBI in any form until he could get his story together.

He took off from BWI on that night on a

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Delta flight, gets home about 9:30. When he got home, did he call the FBI? No. Was he found by the FBI at his mother's house? No. The place where he simply wanted to rush to because he wanted to comfort his mother because of all the distress.

What does his mother tell the FBI when they get there? "I don't know where he is. I haven't seen him. I haven't heard from him."

The FBI found Alcee Hastings that night only because they happened to interview Ms. Williams that day and knew her address.

The issue on October 9th is simply, too: Is Alcee Hastings' behavior the behavior of an innocent United States Judge or the behavior of someone who knew exactly why his friend Borders had been arrested and who desperately wanted to avoid an interview until he had time to put his story together?

Why would a man such as Alcee Hastings, a man with everything in the world going for him, a man such as this, commit these types of crimes or behavior in this manner?

Knowing the reason people commit crimes is about as easy as predicting the future.

But I submit to you, ladies and gentlemen, two things are clear:

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One thing concerns his attitude about money.

There was evidence in this case, particularly from his former law clerk, that Alcee Hastings was indifferent to money, wore the same suit, drove an old car, lived with his mother in a rented apartment.

I suggest to you there is another side to the evidence and that is that Alcee Hastings led a fast life with fast friends. He stayed in the best hotels. He went to the best restaurants.

He was a Federal Judge since 1978. He made at least $60,000 each and every year since then. He was a State Judge before that. And he didn't have money for the down payment on a house.

I submit to you the evidence is clear that he had a strong interest in money. He was frustrated by lack of it, and he knew where a whole lot of money could be found: The Romano brothers.

I also submit to you, ladies and gentlemen, there are at least two Alcee Hastings. One is the very charming, very attractive man, very bright man that you have seen in court during this trial. The other is the person that you saw panic on October the 9th and fled the L'Enfant Plaza and had come to court and testified untruthfully about the circumstances of that

flight.

You disbelieve Alcee Hastings about those calls from his room, I submit to you you have no choice but to disbelieve him based on Hemphill Pride's words, buttressed by those toll records.

You don't have to believe another word he says in his testimony.

And you can ask yourselves, "Why would a United States Judge testify untruthfully about a material point in a case in which he is a defendant unless he is guilty?"

I submit to you if you disbelieve him on this point or any other point, whether or not he met with Borders on September the 11th, whether or not the September 12th meeting at the Sheraton with Borders' return was a surprise, whether or not the Fontainebleau was nothing more than him going to dinner with no expectation of seeing Borders, and on and on and on and on, and I submit to you you can disbelieve him on every point that is represented by the evidence in this case.

You have to ask yourselves, "Why would a United States tell untruths in his own trial unless he was guilty?"

And if you find that he told untruths, his defense collapses about him like a house of cards

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and he is exposed for what he is: Bill Border's partner in this crime.

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The criminal justice system has been likened to a train. It comes along slowly on its track. Chugs along to trial, through post trial and through appeal. Surely it is a slow process. You have experienced that. But one thing is clear. Its destination should be justice and only justice.

Mr. Borders and Alcee Hastings had other plans for the destination of the Romano case. After the conviction of the Romano brothers, they switched this case to another track, from destination justice to destination justice for sale.

They coordinated their plans. They worked together. They put together a cute little code with one end in mind, to sell the prison sentences for $150,000.

In the course of their plan, Judge Hastings gave information to Bill Borders about the forfeiture order.

Bill Borders told Romano how and when they could mitigate sentence and the timing of the October 6th order was carefully planned to facilitate the scheme.

The plan and scheme and agreement amounts to the conspiracy in Count 1. Their efforts to accomplish that plan amount to the obstruction charge in

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Count 2.

Ladies and gentlemen, evidence in this case, all the evidence, the evidence that you will consider carefully, thoroughly, even pain-stakingly points in one and only one direction.

We ask of you that your verdict reflect that evidence. Thank you.

THE COURT: Now, ladies and gentlemen, we will take our mid-morning recess for fifteen minutes, at this time, unless counsel wish to approach the Bench for any reason. Apparently not.

The Court will be in recess for fifteen minutes--

JUDGE HASTINGS: Your Honor, I would like to see you after the jury leaves.

THE COURT: The jury is excused, then, for fifteen minutes.

[The jury left the courtroom and the following proceedings were had:]

[Sidebar conference between the Court and counsel as follows:]

JUDGE HASTINGS: Your Honor, thank you very much. I am sorry I didn't respond quickly to the Court's request with reference to counsel. I wish to

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take exception to matters pointed to by the Government that are not in evidence and I think that I would like the Court to be made aware and that these matters at least should be addressed with regard to some kind of admonishment with reference thereto.

THE COURT: There will have to be quiet in the courtroom.

JUDGE HASTINGS: Thank you. First of all, Mr. Weingarten indicated matters having to do with the only person that William Borders picked up was myself.

There is just absolutely no evidence to that effect, Judge.

Additionally, Mr. Weingarten indicated that the phone calls setting up the Twin Bridges payoff of the $125,000 with Mr. Rico was in my presence and there is no evidence in this case to that effect.

I am astounded by counsel's argument, Judge, with reference to fast life, fast friends and that may very well be a characterization, but it came across so strongly as if it is true.

Stayed in the best hotel, ate at the best restaurants. The only evidence concerning any eating at any restaurants are two.

The only evidence concerning staying in

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any hotel are the Sonesta Beach at a meeting and at another point in time in Washington, D.C., staying at the Sheraton Hotel.

As if there is such evidence?

But even more disturbing was counsel's reference to the fact, Judge, of these letters. Now, Mr. Weingarten knows that he asked me on cross examination whether or not I ever showed those letters to him.

In addition to that, he knew that we were getting ready to go get into an area and that is when I made my appeal to the Court and indicated to him we would be stretching off into another area and I had answered him in response to a question on cross that, yes, I did.

He knows when I showed them to him. He knows the circumstances. And his further statement on that question was, "You know what Mr. Pride's testimony is on this, don't you?" Those were his words to me on cross and I appealed to the Court and said to him that I think we would be getting into an area that we should not be getting into.

Now, he stands before this jury and this Judge and says that those letters were never shown to him. That simply is not in evidence.

In fact, Judge, in fact, even more

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disturbing is Mr. Weingarten stands up there and tells this jury that there is law with regard to South Carolina. There is none, Judge.

The only thing regarding the law in South Carolina regarding Hemphill Pride's suspension was the opinion offered by the defense.

The Government has not brought the statute. It has not brought anyone here from the South Carolina Bar Association to give evidence in that regard.

The only thing is Hemphill Pride's suggestion as to what his status was. But as to the law and for him to say that is the law and then to accuse me of being required to know it, we think was unfair comment and he should be admonished in that regard.

THE COURT: What are you asking of the Court at this point?

JUDGE HASTINGS: That on those items as presented to the Court, that the jury be made aware that Mr. Weingarten was commenting on evidence that is not before them.

THE COURT: Mr. Weingarten?

MR. WEINGARTEN: I will answer each and every point. I believe I stayed carefully within the record. That was my intent and I believe I accomplished

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same.

I mean, the fact Hemphill Pride was a lawyer and suspended indefinitely, testified to his status and it is my recollection that Judge Hastings acknowledged the fact that there is a two-year period is sufficient to present evidence to the jury.

And I never said I didn't receive the letters. I said the Government received the letters approximately one month before the trial.

I reflected exactly what the evidence was concerning Rul3 16 that had been elicited from the defendant.

I will go through each and every point. I was careful--

JUDGE HASTINGS: Respond to the point, then, if you will, regarding the cross examination as to whether or not Hemphill had ever seen the letter. Please tell the Judge about that particular point during your colloquy.

MR. WEINGARTEN: I read that testimony.

JUDGE HASTINGS: Oh, no, no. Mine and your colloquy, not what Hemphill--

MR. WEINGARTEN: I am just not following. Sorry.

THE COURT: The Court obviously cannot

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review the transcript prior to defendant's argument. This frequently arises. The Court listened very carefully to Mr. Weingarten's argument and was not aware, in any respect, where he departed from any evidence in the record.

JUDGE HASTINGS: Thank you, your Honor.

THE COURT: Along the lines that were suggested by Judge Hastings, the Court will, as it normally would when the jury returns, remind them that it is their recollection of the evidence which is controlling and that in any respect if counsel's argument referred to facts which they don't recall being in the evidence, they should disregard the argument to that extent.

JUDGE HASTINGS: Thank you very much, Judge.

THE COURT: That is the most the Court can do unless you want to take an hour and a half this morning for the Court to review the arguments against the evidence.

JUDGE HASTINGS: Thank you very much, your Honor.

THE COURT: I gather you are not requesting that?

MS. WILLIAMS: No.

THE COURT: Who is going to start for the defense?

JUDGE HASTINGS: Ms. Williams is, Judge.

[Sidebar conference concluded and the following proceedings were had in open court:]

THE COURT: The Court will recess for fifteen minutes.

[Recess taken, after which the following proceedings were had:]

THE COURT: Counsel approach the Bench for a moment, please.

[Sidebar conference between the Court and counsel out of the presence of the jury as follows:]

THE COURT: I hesitate to bother counsel with extraneous matters, but there was just delivered to me a motion for leave to file a brief amicus curiae in this case by one Satish Chandra. It was filed in the Clerk's office at 10:12 this morning.

Attached to it is a brief of some sixty-five pages. A very hasty review indicates that he wishes to call to the Court's attention the fact that in the Hinckley case, he, Mr. Chandra, apparently attempted to file a brief amicus curiae and the Court did not permit him to do so.

I have not read the brief.

JUDGE HASTINGS: Fine, Judge. We have no response to clarify it.

THE COURT: I simply have it. I will endorse it with the date, "Motion denied."

One other matter. I did indicate I would give the jury a cautionary instruction with respect to reference by counsel to facts which are not in the record. It is the jury's recollection of the facts

which are controlling.

I have reviewed my notes and can find no material respect in which Mr. Weingarten referred in argument to facts which were not in the record. I have not, of course, checked the transcript itself and can't be 100 percent sure there might not have been some reference.

I am reluctant to give that instruction now inasmuch as the jury may regard it as directed at the argument which defense counsel is about to make.

Unless I am requested to do so, I would wait until the conclusion of all the arguments.

MR. WEINGARTEN: Right.

THE COURT: And then--

JUDGE HASTINGS: I request that you give it, Judge. I think it should be given.

THE COURT: Give it now?

All right. I just want to be sure you wouldn't consider it prejudicial.

JUDGE HASTINGS: Yes, sir.

[Sidebar conference concluded and the following proceedings were had in open court:]

THE COURT: The jury may be called into the courtroom.

[The jury entered the courtroom and the following proceedings were had:]

THE COURT: Good morning again, ladies and gentlemen.

Before hearing from defense counsel, I have been asked to remind you, ladies and gentlemen, that the closing arguments of counsel are not evidence and to the extent that counsel might have in his closing argument referred to a fact which you do not recollect to have been introduced into evidence, you should disregard that fact entirely.

In other words, ladies and gentlemen, it's your recollection of the evidence which is controlling. It is not the recollection of either counsel or, for that matter, of the Court which controls.

And if, during the course of your deliberations, you wish some part of the evidence read back to you, that may be done upon your request.

If there's nothing further, then, Ms. Williams, the Court and jury will be happy to hear from you at this time.

MS. WILLIAMS: Thank you, your Honor.

May it please the Court, ladies and gentlemen of the jury, counsel for the Government,

Madam Forelady, Madam Assistant Forelady, ladies and gentlemen of the jury.

I wish to express to you at this time on behalf of Judge Hastings his thanks for the consideration and attention you have given all the proceedings during this trial.

As a matter of fact, I express thanks on behalf of everybody involved in these proceedings.

This is the moment of final argument and, as Mr. Weingarten has very aptly stated, this is the time when counsel assist you in analyzing the evidence which has been presented during the course of the trial.

Now, as the Judge has told you and as you have probably seen already, Mr. Weingarten has already argued, and when I have concluded my argument, Mr. Weingarten will come back to argue again. When I sit down at the conclusion of my argument, you will hear from me no more, and I ask that you bear that in mind as you deliberate the verdict in this trial.

The law in this case, the Judge, his Honor, is going to instruct you on that.

In the course of my argument to you, it will be necessary for me from time to time to deal with the law as I understand it.

If anything that I say to you regarding

the law differs from what his Honor says to you regarding the law, you are to disregard my version of the law, for it is his Honor who will instruct you on the law.

I refer to the law merely to assist you in analyzing the evidence that has come in and to determine whether or not that evidence does in fact point to guilt or innocence of my client, Judge Alcee Hastings.

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Now, you know, because you have been read it, that an indictment was issued in this case by the Grand Jury sitting here in Miami some time ago. Now, I wish for you to understand that that indictment is merely an accusation. It's not evidence. The Grand Jury, unlike you, the petit jury, is not concerned with guilt or innocence. The Grand Jury is concerned merely with making a determination as to whether or not an accusation should be made and, as his Honor will instruct you, an accusation or the indictment is not evidence.

Yes, there was an indictment issued accusing Judge Alcee Hastings of conspiracy to commit bribery and obstruction of justice.

From the moment that Judge Hastings entered this trial, however, the law imposed or surrounded hm with the presumption of innocence. He is clothed with the presumption that he has done no wrong.

And only after analyzing all of the evidence that has come in and after seeing that all of that evidence points to guilt can you determine that Judge Hastings is in fact guilty.

And it is with doing that that I would now like to assist you.

In addition to a presumption of innocence

attaching to Judge Hastings, there is a burden of proof which comes and attaches to the Government.

The Government, not Judge Hastings, has the burden of proof in this trial. The Government has to prove to you beyond a reasonable doubt that Judge Hastings committed the offenses with which he has been accused.

Please understand it is not Judge Hastings' burden to prove anything in this trial.

Now, we have assumed--we have sought to bring some evidence into this case but you must understand that we have no burden to prove anything. Judge Hastings does not have to prove that he is innocent. The Government must prove that he is guilty.

In so doing, the Government must prove that Judge Hastings committed the offenses with which he has been accused and that he committed them beyond a reasonable doubt.

Now, what does that mean? That means that if after we have concluded analyzing this evidence you find some doubt concerning some aspect of the Government's proof and there is some reason either because they did not prove something or because the proof is not credible, there is some reason that you can attach to the doubt that you are experiencing, if that should

be the case, then you, ladies and gentlemen of the jury, must find Judge Alcee Hastings innocent because what that means is that the Government has not carried its burden of proving beyond a reasonable doubt that he did anything wrong.

Ladies and gentlemen, this is a purely circumstantial case. You must understand that.

Is a purely circumstantial case a sufficent case? Of course it is. I can be. You must understand that.

Circumstantial evidence can prove anything provided the circumstances are right and further provided that all of the circumstances are right.

The Government can come forth with a chain of circumstances wherein one link in that chain is not right and the Government has not proved its circumstantial case.

All of the circumstances, ladies and gentlemen of the jury, must be proved beyond a reasonable doubt.

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Now, let me call your attention to what I understand to be the law on the subject of circumstantial evidence.

The hypothesis of guilt in a circumstantial case, the hypothesis of guilt, must flow naturally from the facts proved and it must be totally consistent with those facts. Not with some of them, not with the majority of them but with all of those facts.

In other words, the Government comes in and it has 100 circumstances, ninety-nine of which it proves beyond a reasonable doubt, one of which it does not prove. The Government has not met its burden of proving its circumstantial case beyond a reasonable doubt. That is the law, ladies and gentlemen.

Now, what I would like to do at this point in time is to look at the chart that we have been looking at during the course of this trial t-at's been introduced by the Government as Exhibits 4 and 4-A, which includes most of the circumstances in the case on which the Government relies.

If you recall, the Government starts its chart with September 10, 1981, and in the a.m. of that morning, states or it proves that a call was placed by Judge Hastings to Bill Borders. The defense has since

come in and proved to you what that case--what that call was about.

We showed you, ladies and gentlemen, that during the summer, in May, June and July and probably even before that, the Judge was offered certain speaking engagements, and he confirmed them, accepted them and they were booked.

One of them was to take place in Harrisburg, Pennsylvania, the Juvenile Association's conference.

We also proved to you that during the summer, as early as August, the Judge learned that on October the 9th there was going to be a boat ride honoring Bill Borders in Wasington, D.C., and he made plans to go there.

We also proved to you that some time in August the Judge met with Jesse McCrary who is an attorney here in Miami and he learned at that time that Jesse McCrary was also going to be in Washington, D.C., around the time that the Judge would be on his way to Harrisburg, Pennsylvania, for the Juvenile Officer's Association meeting.

And they determined in August, long before Paul Rico enters the picture at all, that tney would meet at the Sheraton after Jesse's speaking

engagement in Norfolk, Virginia, and before the Judge's speaking engagement in Harrisburg, Pennsylvania.

You also learned that Jesse McCrary spoke with Bill Borders about his plans to go to Washington and to be there on September 10th and that Judge Hastings spoke with Bill Borders about his plans to be in Washington on September 10th.

When that call is made on the morning of September 10th to Bill Borders, we explained to you why that call was being made.

Judge Hastings was in a trial. There's a calendar in evidence. You will be able to look at that and see that the Felix Vicknair trial was in progress. It was anticipated that that trial would conclude allowing the Judge to travel as planned.

Please be reminded that in one of the conversations that the Judge had with Bill Borders, Bill Borders said, "I will pick you up from the airport," as he often had to many, many people.

However, on September the 10th, since the trial had not concluded and since Bill Borders had said, "I will pick you up from the airport," it was necessary, ladies and gentlemen, for Judge Hastings to call Bill Borders and to explain to Bill Borders that he would not be traveling on the 10th, and that is all

that the call on September the 10th at 9:25 a.m. is about. It has no relationship whatsoever to anything Bill Borders may have been doing other than picking up Judge Hastings from the airport as he had done on any number of occasions and as he had done with any number of other people, as has been testified to in this trial.

So, ladies and gentlemen of the jury, I would submit to you now, that you should not consider that call as being in any way related to the accusations that the Government must prove here today concerning Judge Hastings' involvement in a conspiracy and obstruction of justice.

And for that purpose, I would like to at this time replace the magnetic tape.

[Ms. Williams placed a magnetic tape on the chart.]

Additionally, ladies and gentlemen of the jury, you learned that during that conversation that's just been covered up, which is totally innocent and unrelated to any accusations by the Government, that Judge Hastings left a message with Bill Borders that Bill Borders should call him back between 4:30 and 5:00 o'clock.

4:40 p.m. that day Bill Borders called

him back responding directly to Judge Hastings' call earlier during the day. That call, ladies and gentlemen of the jury, is a totally innocent call having nothing whatsoever to do with the accusations that the Government is making, and for that reason again, ladies and gentlemen of the jury, I am going to replace the magnetic tape.

[Ms. Williams placed a magnetic tape on the chart.]

The same day, 5:10 p.m., a telephone message from Alcee Hastings to Bill Borders.

Now, when Bill Borders calls at 4:40 p.m. to Al Hastings' office, Al Hastings was on the Bench and Bill Borders was unable to speak with him, so when the Judge got a break and learned that Bill Borders had called him, he returned the call and that's the call at 5:10 p.m. wherein Hastings calls Bill Borders. They are still trying to get in touch.

About what? Simple. Travel arrangements. Nothing more. Travel arrangements. Even the Government has not suggested that it was anything more than travel arrangements.

So we will cover up that one.

[Ms. Williams placed a magnetic tape on the chart.]

And on that same day, you got a final call, they finally talk from one to the other. This call at 5:34 p.m. is made by Borders to Judge Hastings and they do talk for four minutes.

Bill Borders does learn that the Judge will not be able to travel until the next day.

Now, there's some concern on the Judge's part about Bill Borders being able to pick him up because he had learned from Bill Borders that there was a family reunion, that Bill Borders was to be traveling on the next day, but Bill Borders says to the Judge, "I will still pick you up," and that was the essence of that telephone conversation.

And I am going to cover that one up, also.

[Ms. Williams placed a magnetic tape on the chart.]

There's no sense in our being confused with innocent contact between Bill Borders and Judge Hastings and make it appear that it had something to do with criminal activity when it's been explained that it did not.

What do we have left on September 10th? At 1:29 p.m., William Dredge called Bill Borders. Now, there is no relationship, ladies and gentlemen, to that call and the other telephone activity between Bill Borders and Alcee Hastings.

There's been no proof that there was any relationship between them and, for that reason, we have to leave William Dredge out there dealing with Bill Borders but as having no relationship to Judge Alcee Hastings.

And, as Mr. Weingarten has pointed out to you, that's what this case is all about, whether or not any telephone activity or any face-to-face contact that Bill Borders and Alcee Hastings may have had had anything whatsoever to do with what Bill Borders was undoubtedly about.

The chart goes on to Friday, September 11th.

The Judge finishes the Felix Vicknair trial, and he is able to leave and he leaves this Courthouse and he goes to the airport and he is scheduled to take a plane.

You have heard all the testimony about the delay that occurred with the taking off of that plane.

Now, it's interesting to note that on the Government's chart they tell you that Al Hastings from that airport called Bill Borders to tell him that his plane was delayed.

What's interesting about it is that they do not tell you that he also called Shirley Ross who was also expecting him in Washington, D.C., that evening to tell her the plane was late.

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MS. WILLIAMS: Well, if they knew that he called two individuals simply to tell them, you know, "I am here at the airport. This plane is not going to take off now," why not put both of them up there? Because that would disspell, ladies and gentlemen, the idea or the inference that the reason he was calling Bill Borders has something to do with something more than mere travel arrangements.

But you know that because Judge Hastings or the defense has proved that to you. Shirley Ross got on the stand and she testified that on the 11th, she was expecting Judge Hastings in Washington, D.C., for a dinner engagement on that evening and she received two to three phone calls from Judge Hastings from the airport wherein he was simply trying to alert her to the fact that his plane was delayed, nothing more.

The very same thing he was doing when he called Bill Borders on that day at 3:27. And by the way, he called Bill Borders at 3:27, called Shirley Ross at 3:28.

He called Bill Borders again, later, at 4:19 and I believe the evidence is he called Shirley Ross at 4:22.

When he called one to alert the one that he was going to be late, he called the other to alert

her that he was also going to be late. Doesn't appear to have anything whatsoever to do with any criminal conduct on the part of Judge Hastings.

Why isn't it on the chart? Don't know the answer but we are going to cover it up for the time being because we are not going to speculate about why it isn't up there.

The plane finally takes off some two hours or so late and arrives in Washington, D.C. The Government introduced the coupons from the airlines that proved that Judge Hastings was on the plane.

We never disputed it. He went there. He arrived at 8:04 p.m.

The testimony is that he took a taxi and that he went to Shirley Ross' apartment, picked her up and they went to the Sheraton and they had dinner.

Now, what would the Government have you believe happened here? They proved to you that William Borders had a flight that was scheduled to leave the airport at one time and that when Judge Hastings' flight was delayed, that William Borders changed his travel arrangements.

Now, his secretary, Cindy Rogers, came in here and sat in that witness box and she told you one of the greatest problems she had with working for Bill

Borders was he was constantly changing his travel arrangements.

The Government would have you believe that Bill Borders changed his travel arrangements so that he could meet with Judge Hastings in the airport.

My question to you, ladies and gentlemen of the jury is: Did they prove that? Did they bring any FBI agent or anybody in here who saw Bill Borders and Judge Alcee Hastings together at the airport on Friday afternoon? And the answer is no.

They would have you draw that inference, though, simply because it supports their acquisition. But there is no proof to it. Absolutely none.

And for that reason, ladies and gentlemen, unless and until there is some reason for you to believe that Judge Alcee Hastings and William Borders met at that airport, then I am going to cover that up, too.

The last item on the chart that the Government has for September 11th, we don't have any problem with at all.

Bill Borders had told Judge Alcee Hastings that he would be coming to Florida for a family reunion and he eventually took a flight, 4:59, Flight 655 that evening and he did, in fact, come to Florida.

I am sorry. That he--yes, he did, in fact, come to Florida. All right.

Now, we move to Saturday, September the 12th. Understand that Bill Borders had said to Jesse McCrary, he had said to Alcee Hastings that his purpose for traveling on the evening of September the 11th was to attend the family reunion.

Neither one of them knows that there is some guy out there posing as Frank Romano whose name really is H. Paul Rico with whom Bill Borders is really going to be meeting with on Saturday, September the 12th.

He doesn't tell anyone of those people that and the Government hasn't proved to you that either one of them knew that William Borders was going to be meeting Dredge on that morning.

It is very, very curious that he did not tell them that. He told them that he was going to a family reunion.

Well, it wasn't a lie because he was going to a family reunion. But his primary purpose undoubtedly was to be in Miami for the Saturday, September 12th meeting that he had set up through William Dredge with Rico. All right?

But there is no evidence, ladies and

gentlemen of the jury, that could--that you could rely upon to tie Judge Hastings to that.

Saturday, September 12th, Bill Borders is at the Miami hotel at the International Airport. He meets with the undercover agent Paul Rico and then he flies to West Palm Beach to pass by, more or less, his family reunion.

Judge Hastings and Jesse McCrary have met. They are at the Sheraton Hotel. They are having a leisurely weekend, well deserved by both of them.

Later that evening, unbeknownst to either one of them, Bill Borders shows up. Now, one thing is very interesting about this. It is sort of amazing the way the Government asks you to reach certain conclusions.

Jesse McCrary took the stand and he said that it was his impression that he was there, that when Judge Hastings opened the door and saw Bill Borders there, that he was indeed surprised that Bill Borders was there.

The Government would have you believe that somehow or other this was pre-arranged; that it was pre-arranged because Bill Borders got off the plane and proceeded directly to the hotel where he knew Jesse and Alcee Hastings were.

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Well, you have heard testimony from any number of witnesses during the course of this trial wherein they testified about the mysterious behavior of William Borders of appearing and disappearing mysteriously. This is just one of them.

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Not just Alcee Hastings talked about, but other friends of William Borders said he had this knack. He would just appear and disappear and that is what he did on that evening.

He knew that they were both at the Sheraton Hotel. He had spoken with both of them. They both told him.

We don't know why he didn't stay at his family reunion. You would have to ask Bill Borders about that. But he obvious y decided he didn't want to be there. He left. The family reunion was not over.

David Thomas testified that he picked up Borders that day and Borders left the same day and the family reunion was to be a three-day affair.

Now, why Bill Borders left, we don't know, but he did. Obviously he preferred to be with Jesse and Judge Alcee Hastings, socializing at the Sheraton Hotel, because that is where he went and that is what he did.

One thing you have to understand about their stay at the Sheraton Hotel is that the Government didn't tell you about that, we did. The defense did.

They didn't know that Judge Alcee Hastings and Jesse McCrary were at the Sheraton Hotel in Washington, D.C., until we told them and we were the

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ones who proved it.

You might remember I went over and I removed the magnetic tape on the chart regarding Judge Hastings' stay at the Sheraton Hotel.

And we didn't have to prove anything. We didn't have to tell you what the Judge was doing. We didn't have to tell you that he had seen William Borders during that stay at the Sheraton Hotel. But we think and hope that the more facts you have about what Judge Alcee Hastings was about, the more you will be able to see that what he was about was totally unrelated to what Bill Borders was about.

Now, there has been a lot of discussion about the fact that there was a Leonard-Hearns fight and that Bill Borders attended it.

Now, before we get to that, while we are at the Sheraton Hotel, you must remember that the Judge testified that on both Saturday and Sunday, Bill Borders talked about the Hemphy Pride situation and he also indicated to the Judge that he was going to be in Miami at the Fontainebleau Hotel at 8:00 in the main dining room.

That was the terminology, the main dining room. Jesse McCrary says he believes he even heard Bill Borders say that he was going to be in Florida.

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Did not say that he heard the Fontainebleau portion of it, but he did hear Bill Borders talking about the fact that he was going to be in Florida later on during that week.

Now, I was about to talk to you about all this discussion about the Leonard-Hearns fight. The Government would have you believe that because Bill Borders knew that he was going to the Leonard-Hearns fight and because Hemphill Pride knew that Bill Borders was going to the Leonard-Hearns fight, that somehow or other, through osmosis I suppose, Judge Alcee Hastings knew that he was going to the Leonard-Hearns fight.

Now, Jesse didn't know. He got up there and he said he didn't know and he had seen Bill Borders and Bill Borders didn't tell him.

But for some reason you are supposed to believe it was common knowledge, and everybody and his mother would know that Bill Borders was going to go to the Leonard-Hearns fight and that Judge Alcee Hastings must have known.

But ladies and gentlemen, you have to understand there has been no proof that he knew. They didn't prove that somebody said that, "I told Judge Alcee Hastings that Bill Borders was going to the Leonard-Hearns fight." Nobody came in here and said

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that.

You are just supposed to surmise it, infer it, feel it, because it helps the Government's case. You should require more, ladies and gentlemen. You should require them to prove that the man knew that Bill Borders was going to the Leonard-Hearns fight and they haven't done that.

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Judge Hastings, based on the word of William Borders, finished an afternoon and judges' meeting and the judges' meeting finished rather late and invited someone to go to the Fontainebleau Hotel to have dinner.

Now, when he went to the Fontainebleau Hotel we learned from Essie Thompson they arrived there and looked around because they weren't really sure where it was they were supposed to be going, but they knew it was the main dining room.

She said that. They knew it was the main dining room.

Now, there is but one main dining room at the Fontainebleau Hotel. It is not downstairs, and there are no dining rooms at all upstairs. Now, that has been proven.

None. Not one downstairs. You had a club downstairs and coffee shop kind of restaurant downstairs, but no main facilities.

The main facility is on the main floor when you enter the Fontainebleau Hotel and that, ladies and gentlemen of the jury, is why you did not see Judge Hastings going downstairs to look for Bill Borders or going upstairs to look for Bill Borders because he was on the floor where the main dining room facilities existed.

Mr. Amoroso, the absolute head of the unit that investigated this case, came hereaand sat in that witness box and told you that he was there on the night of September 16 at the Fontainebleau Hotel. And he saw Judge Hastings when Judge Hastings spoke to the maitre d'. Judge Hastings spoke to the maitre d' before going into the dining room to eat and he spoke to the maitre d' when he left, as he was leaving the Fontainebleau Hotel.

Now, Mr. Amoroso says, "Well, I saw him speak to him but I didn't inquire of the maitre d' what it is Judge Hastings spoke to him about because I was afraid if I did that I would reveal the undercover investigation that was ongoing.

Well, ladies and gentlemen, you and I both know that all he had to do was walk up to this guy, not say, "Hey I am an FBI agent and I am investigating Judge Alcee Hastings," but, "Here, here is five bucks, ten bucks. What did he say to you?" And he could have learned that what Judge Hastings said to the maitre d' is that Judge Hastings said to the maitre d' "I am expecting William Borders. If he comes direct him to the main dining room."

When he left he said, "If William Borders comes, tell him Judge Alcee Hastings was here

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and has left."

But he didn't. He didn't do that. And I know that the FBI agents know how to do that. If I know, they know.

But he didn't do that. Instead, he would have you infer that Judge Alcee Hastings just wanted it to appear that he was speaking to the maitre d'; he really wasn't. He got up there and said, "It appeared Judge Hastings was talking to the maitre d'"; and he made no effort to inquire about it and you are supposed to surmise, now, that this is some kind of a front on the part of Judge Hastings to make it appear that he was looking for Bill Borders. Kind of far-fetched. It really is.

As he comes and testifies that once they were seated and--let me backtrack.

Supposed to be a big deal that there was a reservation for two and that once they were seated in the main galleries that two places were removed. Well, Judge Hastings never said that Bill Borders indicated to him that he would be having dinner at the Fontainebleau Hotel. He said he would be there, that he should meet him at the main gallery, the main dining facility at the Fontainebleau Hotel.

Now, this is not the first time, and you

have heard evidence to that, that Judge Hastings has been told by Bill Borders to meet him at a certain place for lunch. Judge Hastings testified about one occasion where Brenda Russell and her husband and Judge Hastings went to some restaurant expecting Bill Borders to show for dinner and he never did.

Judge Hastings testified about some other occasion on which he waited in some restaurant that sounded like Corillon, and for Bill Borders -- for dinner and Bill Borders never showed.

Judge Hastings ate dinner on each of those occasions whether or not Bill Borders showed. So, it is not surprising, or should not be surprising that he would proceed to eat dinner on this occasion, whether or not Bill Borders showed.

That is what he did. And there is nothing mysterious about that. His conduct was based on his knowledge of the individual that he was dealing with. And that only, that behavior on the part of Bill Borders has been proven, here. It has been proven. Any number of witnesses have come forth and have testified and have shown you that Bill Borders mysteriously appears and mysteriously disappears. That is not out of character for him to do exactly what he did on the night of September 16 at the Fontainebleau Hotel.

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We submit, ladies and gentlemen of the jury, that the September 16 dinner ha s not been shown to be anything more than what it has been said to be. It is not at all related. They haven't shown any connection between Bill Borders, Bill Borders telling Judge Hastings to be there at the Fontainebleau on the 8th, his knowing that if you told him to be there and if his schedule permitted, that he would be, and Bill Borders going about his business to the Las Vegas area to attend the Leonard-Hearns fight.

It's just, the way we said it happened, is probably more likely than the way they said it happened because we brought people in to show you that that is the way it has happened before.

So, for that reason, ladies and gentlemen of the jury, I am going to cover, as an innocent act, Judge Hastings' appearance at the Fontainebleau Hotel because I can't see any reason for you to believe that it is not. I can't see any reason for you to believe that it is not, except that if you infer that there is some guilt that it helps the Government's case, and you've got to do more.

More is required than that.

One other thing I would like to address regarding the Fontainebleau Hotel dinner. Mr. Weingarten

talked about the fact that Bill Borders was able to tell Mr. Rico that Judge Hastings would appear at the Fontainebleau Hotel that evening and that the only way he would have been able to do that was to know Judge Hastings' schedule and to have cleared with Judge Hastings the fact that he would be there at the Fontainebleau Hotel.

Well, ladies and gentlemen, that is just not so. As this case progresses you are going to see that Bill Borders told Paul Rico any number of things that he had to back out of and change over and over again, and if he had learned subsequent to telling Mr. Rico that Judge Hastings could not be at that hotel on September the 16th it would have been a very simple matter for him to get on the telephone and call Paul Rico and say, "We've got to change the date."

That is all he would have had to have done. Just like he kept changing the date about when the order was going to come out.

All right? Now, there is one other thing, one other point I would like to make about the Fontainebleau Hotel before I move from that, and that is that there is a problem the way the Government is set up and you have been told that Mr. Rico was the Government agent. He is the one that is set up with Bill Borders and this Fontainebleau Hotel dinner that was supposed to signal the Judge's arrangement--the Judge's involvement in the conspiracy.

It is a big problem in that if it were really a test of the Judge's involvement it would have been structured, ladies and gentlemen, to require something more than an appearance at a hotel and Rico knew that. Let me refer you to the conversation between Rico and Borders where they are setting up this Fontainebleau Hotel dinner.

H. Paul Rico says, "Yeah, yeah, yeah. You know, you get--" pardon the language, "--fuckin' jerked off so many times, but anyway, I think you made the suggestion that we name a place."

And Borders says, "Okay. No sweat."

And H. Paul Rico says, "And a time?"

And Borders says, "Okay."

And Rico says, "And that, ah, the Judge--ah," and you have been through that with Mr. Weingarten.

I'd like to point out to you here that that is the closest indication that you have got anywhere in any of these tapes of a mention of Judge Alcee Hastings and even there you have got to infer it. His name is never mentioned by Bill Borders. It is never mentioned by Paul Rico and in any of their discussions at any time.

Bill Borders says, "That somebody would have dinner there."

And Rico says, "Yeah."

And Borders says, "Okay."

And this is the key line. H. Paul Rico says, "And he could order, ah, you know, something that we would know."

Now ladies and gentlemen of the jury, if they had gone as far as they should have gone and Rico had said to Bill Borders, "When Judge Hastings shows up at that restaurant so that I know he is involved in this conspiracy, you have him eat red cabbage and white wine and Jell-O for dessert," and if Judge Hastings went there and he ate red cabbage and white wine and had Jell-O for dessert then you would know. It would be a

signal, not only to Paul Rico, but when they brought it in here and told it to you, you would know the purpose for that meet.

But no, what do they do? They back off from that. Completely back off. No safeguard. No way the man can defend himself. Now, he goes to dinner because his friend says, "Come to dinner," and he's been doing that; probably when this is all over, if some friend should call him and says, "Come to dinner," maybe he might think twice about it, but nine times out of ten he would go.

And that is what happened and that just cannot be considered to be any kind of trustworthy signal that the man was involved in a conspiracy. it just-- and theyknew how to structure it. That is what I am trying to tell you.

Then you have to structure it so that it would, without a doubt, signal his involvement and they backed off from it. Borders backed off from it because he knew he couldn't do that. And Rico backed off from it. I'm not really sure why.

The Government's chart continues and there is some information on Friday unrelated to Judge Alcee Hastings and when information that comes into this trial is unrelated to Judge Alcee Hastings, we really

don't give it a lot of attention.

The defense does not. The rest of the information on the Government's chart for September all relates to activities between Borders and the undercover agent, and just in no way relates at all to Judge Alcee Hastings.

All of the information relating to Judge Alcee Hastings that was on that chart has been explained through a very reasonable hypothesis of innocence and we have just taken it off the charts, ladies and gentlemen, unless and until such time as there is some reason for you to believe that it should be up there as a part of a conspiracy.

I think I need some assistance with one chart being removed and another one being put up, if you don't mind.

Will you just take that one down and put the October one up for me, please?

THE BAILIFF: Yes, surely.

MS. WILLIAMS: Oh, thank you so much.

In October, ladies and gentlemen, the Government did not prove to you but we did that on the 2nd and the 3rd and the 4th, Judge Hastings was at the Florida Chapter of the National Bar Association meet, meeting at the Sonesta Beach Hotel here in Miami. That

brings to mind one other thing that I am having some difficulty with.

Now, Your Honor has just instructed you that what we say is not evidence, that it is what you recollect that is evidence. But you just heard that Judge Hastings was in the fast life, living with fast friends in expensive hotels, and where is the evidence to show that?

Almost every time you see Judge Hastings at a hotel, it's been in connection with some speaking engagement or some Bar Association function except for his going to dinner at the Fontainebleau Hotel which he was asked to do by Bill Borders, and except for his staying at the Sheraton Hotel during the weekend of the 11th with Jesse McCrary. Where is this fast life, fast friends, fast lane proof that has come in at this trial? Think about that, ladies and gentlemen. I don't recollect any.

All right. On October the 2nd, the 3rd and the 4th, Judge Hastings was at the Sonesta Beach Hotel at a meeting of the Florida Chapter of the National Bar Association, on Miami--on Key Biscayne. It's been proven by us, ladies and gentlemen of the jury, and it is important you understand that, that on Sunday, October the 4th, Bill Borders called Judge Alcee Hastings at his home residence, did not reach Judge Hastings who was at the Sonesta Beach, spoke to his mother, and indicated to his mother that he needed to speak with the Judge regarding Hemphill Pride.

We told you about that call. We didn't have to tell you about that call. But we did. Now, the Government would take that and twist it and have you infer that something else was meant by that call.

Let's move immediately to October the 5th and the call that Judge Hastings placed to Bill Borders in return, returning the call that he received from Bill Borders on Sunday, October 4th, and on Friday, October 2nd.

You have in evidence from, through the Government, the fact that at 4:50 p.m. on Friday, October 2nd a call was placed from Borders' office to Judge Hastings' chambers. It's been suggested that the person who placed the call was Cindy Rogers in Bill Borders' office and the person who received the call

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in Judge Hastings' chambers is not identified.

The fact of the matter is there was no discussion there. The Judge had already gone. He did not learn on this day about the call from Bill Borders, but he obviously learned on Monday when he returned to his chambers about the call from Bill Borders and that call was buffered by the one that he had heard from his mother on October the 4th, so he knew Bill Borders was trying to get in touch with him and he knew that the source, the problem or what he wanted to talk to him was about something that he had been talking to him about the last few times that they had had contact and that was Hemphill Pride.

You have to understand that a big affair was upcoming, that October 9th affair where Bill Borders knew that all of the people that he would be able to solicit funds from, if they were going to get this little thing together, and solicit funds and character evidence, the best place to be able to do that was going to be in Washington, D.C., during the weekend of the 9th-10th, whatever, when all these people who knew both Judge Hastings, Bill Borders and Hemphill Pride were going to be in Washington, D.C., to attend the affair that would be honoring Bill Borders.

Bill Borders knew that. All right. Judge Hastings is in trial. It is a busy day for him.

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He is in the Santorelli trial. He is duty Judge. Any emergency matter that comes up, it is on him to attend to it. It is a very busy day.

At the end of the day, but not during it, at the end of the day, 5:12, he goes in and he calls Bill Borders and starts right out and tells Bill Borders that he has drafted the letters. "Don't bug me any more. Yes, I have drafted them. I will send them out to you in the morning to Columbia."

And you know the rest of the conversation.

Now, the Government would have you believe, ladies and gentlemen, that that is not what Judge Hastings meant when he said that he drafted the letters for Hemphy and that he would send them out to South Carolina in the morning.

It behooves their purposes if you believe that he was talking about the Romano order. Now, if--let's just think about it for a moment--if Bill Borders and Judge Hastings were going to devise a code to talk about crime, would they use Hemphill Pride which was a legitimate concern of theirs?

Hemphill Pride was really a legitimate concern of Alcee Hastings and Bill Borders. You have had any number of witnesses who have come in here and

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testified to that. Even Hemphill Pride himself. They were legitimately interested in the welfare of this individual and were really about the business of trying to do something to help him out of the dilemma that he was in.

If they were going to have a code, how would they distinguish when they were talking legitimately about Hemphill Pride in helping him from when they were talking about bribery?

Why that code? What difference does that make? And you have got to remember, ladies and gentlemen of the jury, that Judge Hastings, in October, felt that his phone were tapped. Remember he had a full staff meeting-- First of all, he went up to Washington, D.C., and told the people he thought were responsible for tapping his phones that they had tapped it and that he didn't like that.

In addition to that, he had a staff meeting and he told all the staff, "These phones, I think, there is a problem with these phones and you should be very careful in your undertakings on these telephones."

It is as though there were no other phones that the Judge could have used. If he were going to be talking bribery, that he had to somehow limit his

conversation to his office phone or to his home phone, once that he knew to be tapped and that he had to use some language regarding Hemphill Pride in order to talk about the bribery and that just doesn't make all the sense in the world. It just does not.

How are they going to talk about it legitimately? That'is the question I keep coming up with.

When they really weren't talking about Hemphy, they were talking about helping Hemphy. How were they going to distinguish the one from the other, if they chose this coded, cryptic language that dealt with HemphiIl Pride? It just doesn't make any sense.

It helps the Government's case, but it doesn't make all the sense in the world for that to be the code that they would use if they were going to use a code to discuss bribery.

While we are talking about those letters, ladies and gentlemen, let's talk about those letters. Now, Mr. Weingarten represented to you that there was something wrong about the fact that he only received those letters in the December of 1981.

He didn't give you any background. All right? He didn't tell you that in December of 1981, he provided to the defense a whole lot of documents and

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things that he did not provide to us in February of 1981.

He did not tell you that, along with the letters in December--

MR. WEINGARTEN: Excuse me.

THE COURT: I think, Ms. Williams, you have the wrong year.

MR. WEINGARTEN: First of all, the year is wrong. It is not in evidence. It not accurate.

THE COURT: All right.

You were referring to 1981, and I think you meant 1982.

MS. WILLIAMS: '82, right.

THE COURT: And you should limit your argument to what is in evidence before the jury.

MS. WILLIAMS: Let me just say this, ladies and gentlemen of the jury, there is no evidence that forms a part of this case to the effect that Judge Hastings did anything wrong by providing the Government with those letters when he did provide them with those letters.

There is nothing wrong with what he did. They didn't like the timing and so they are complaining about it, but there was nothing wrong with what he did.

He complied with Rule 16. There has been no allegation during the course of this trial that he did anything wrong and I want you to understand that.

There is nothing wrong with Judge Hastings giving those letters to the Government when he gave them--if it were, you would have had evidence to that effect, that it was wrong for Judge Hastings to come

in here and give them the letters and the date on which he did, in fact, give them the letters, but there has been no evidence to that effect and believe me, if there were, they would have put it on.

Now, the Government received those letters and immediately senttit out to have lab analysis done on it and that lab analysis did not work out the way the Government had hoped that it would work out.

The lab analysis did not prove that Judge Hastings falsified the letters subsequent to October the 5th.

Now, that is really strange. Now, we know that laboratory people can do lots of things. We know about the Dead Sea Scrolls.

You even got testimony in here about the Dead Sea Scrolls. They can date paintings. They can date the shroud. They can date all kinds of things, but for some reason or other, they did not date these letters.

Now, the question is why? I don't know the answer. But the fact of the matter is that they did not prove--there has been no proof--there has just been talk by Reid Weingarten to the fact that the letters were not written when the Judge said they were written.

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Think back to the testimony of Betty Williams. She told you that ninety percent of the materials that she received from Judge Hastings to be reduced to typewriting form and sent out came to her in exactly the form as the letters that we are talking about here today, that is, they came to her on legal-sized paper, undated, all of it.

If a letter is going to assume a date, it assumed the date of her preparation, of her final typing of it, not the date that he wrote it on the Bench or wherever it is he wrote it.

The letters conform in every specific to all other memoranda he had ever provided to her during the time that she had been employed with him to be reduced to typewritten form.

The Judge explained to you that he wrote the letters while he was on the Bench. Now, Mr. Weingarten has a problem with that.

But, ladies and gentlemen, you have to understand that where Mr. Weingarten has problems with something should not be a concern of yours because Mr. Weingarten would have done this or because he would have done that doesn't mean that that necessarily is the way that anybody has to conduct himself.

There has been no proof is what I am

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trying to say, that there was anything wrong with the timing of the turning over of the letters or with the letters themselves. No proof whatsoever.

The Judge is the only one who has testified to you about those letters in addition to Betty Williams. They haven't refuted what he said and you have no basis--no basis--on which not to believe him other than Reid Weingarten said and Reid Weingarten can't testify. He cannot testify in these proceedings.

What he believes about when the letters were written is irrelevant, completely irrelevant, to these proceedings and you have to understand that. That is his belief. He has got to go beyond believing, He has got to come in here and prove and he hasn't, and acquisitions got us here.

That is how we got here in the very beginning. There was an acquisition made that the Judge was doing something he had no business doing, and then we come into trial and we meet more acquisitions.

He lied about the letters, says Reid Weingarten. Nobody said that. Nobody has ever said that. He didn't go home-- While we are talking about acquisitions--he didn't go home when he got to Fort Lauderdale from the airport.

Now, if he didn't go home and they could

have proved it, they would have put an agent on that stand, an FBI agent, whose detail it would have been on October the 9th to stake out Judge Hastings' apartment. He would have had a log that said, "I went to Judge Hastings' apartment at such and such a time and I stayed there until such and such a time and between those times, Judge Hastings did not come home."

But no FBI agent took the stand and said that. Instead, you hear from Reid Weingarten. The Judge didn't go home.

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Well, you have got to have a little bit more than that, ladies and gentlemen of the jury and please make an effort to distinguish from what Reid says is the evidence, from what in fact we know to be the evidence as you have sat here and heard it.

William Murphy took the stand and, on cross examination by Judge Hastings, he was asked whether he knew for a fact what Judge Hastings was talking about in the October 5th conversation.

Remember, William Murphy is the guy next to Amaroso in the leading of this investigation. and William Murphy said he didn't know then and he doesn't know for a fact now what the meaning of the October 5th conversation is and nobody has come in here and told you what the meaning of that conversation is except Judge Alcee Hastings.

It would be a different story, ladies and gentlemen, if they were talking about a code wherein you read the newspaper and if you have got the code laid out in front of you, you can go in and decide the message and there is really a pattern, you know, to the code.

But that is not what they are talking about. It is just some belief or some statement on the part of Reid Weingarten that that's what it means. No

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proof. No proof. And we are about the business of proof and there is none.

Since what Judge Hastings says he meant by that conversation has not been refuted at all by any evidence that has been introduced during the course of these proceedings, ladies and gentlemen.

You have to believe what Judge Hastings said about those letters because you don't have anything else on which to rely.

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October the 5th is an important day. On that day when Judge Hastings went into his chambers, he said to his law clerk, Jeff Miller, "Do that order today. All right?

And there's been fuss about the fact that he went in there and he said, 'Do that order today." I would like to draw your attention, ladies and gentlemen of the jury, for just a minute to the defense's case when we presented evidence to the effect that there were a lot of changes going on in the judges' staff during that week and prior to and just after, new law clerks coming in, law clerks going out, new court reporter coming in, court reporter going out, the Judge having an itinerary that puts him in his office one day, October 12th, and no more thereafter, until October 22nd, and the fact that Jeff Miller is leaving.

As soon as he can complete the work that he has pending before him for Judge Hastings, he is leaving.

Judge Paine came in here and he said that he knew that the final day on which he would receive Jeff Miller as his new law clerk would be the first of November. Jeff Miller came in here and he said that it was his understanding that as soon as he completed his work, he would be able to leave.

Judge Hastings came in here and he said that it was his understanding with Judge Paine that as soon as he completed his work, he would be leaving.

Now, it's clear that Judge Hastings was going to be traveling. We proved that. In fact, he did. He left on the 7th, and he went to Albany. He gave a speech. He left there on the 9th and he went to D.C. for the boat ride.

We proved all that, but under those circumstances which I would not think are circumstances that the Judge met on a daily basis, you know, having a law clerk going and being out of the office for a month, can you not understand why he would come in there and say to Jeff, "Jeff, get this order done," and the word I am not sure, we will even go along with, "Get the order done today."

Can you not understand why he would do that?

Now, you need to further understand that even though the Judge said, and even though he may have used the words, "Get the order done today," that Jeff did not feel that his job was at stake if he did not have that order done by the end of the day. He said the Judge didn't tell him that he had to bring the order by the house that night. He said when he came in the

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next day that the Judge didn't bug him about the order. Betty Williams got on the stand and she testified that when Jeff told her on the 5th that he would have the order to type the next day. She didn't feel any pressure. She told him she was going to be late coming in the next day because her son had a dental appointment. She did in fact come in late the next day. She had to go to Jeff.

Jeff didn't even come to her with the order. He testified he did not feel pressure. He knew he had to get the order done, but today to him probably had less immediacy than the "right away," that Barbara Katzen talked about, that Alan Ehrlich talked about and that Lisa Goldstein talked about when they took the stand.

It probably had less immediacy than all of those circumstances which they spoke to you about.

The Judge goes in and he says to Jeff, "Do the order today." Jeff packs and he goes to his house and he completes the order and he brings it back the next day. Now there's been a question raised as to whether or not the Judge knew what was going to be in that order before he signed it and Mr. Weingarten has represented to you that it was a clear-cut case of giving back the money and keeping the property. Well,

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that's not what Martino said. All right? It's not as clear-cut as giving back the money and keeping the property.

The Martino decision has been admitted into evidence and when you go back to deliberate, you can look at this decision. Now it's been pointed out that only the last three pages of the decision deal with forfeitures, but I want you to take a look at it, and I'm going to start you right now, but I want you to take a look at those last three pages and see if it is clear to you that because it certainly wasn't clear to Jeff, he was sitting around with a calculator in hand, trying to calculate the amount that had to be returned as late as October the 6th.

So it wasn't that clear to him that all he had to do was look at how much money we are talking about here in this order and giving all the money back. It wasn't that clear to him.

And certainly Martino doesn't seem to say that. In here they are talking about interest and defining what interest is and is it the fruit of the money that you invest-- it's not simple, ladies and gentlemen.

Let me just start you off, as I said, in the Martino decision on page 8274, immediately when

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they start talking about forfeiture, immediately when the law takes place, they state -- they cite a case entitled United States versus Myers and they give a cite and they say:

"The Court indicated in that case that it would be a strained construction of Section 1663, which is a part of the RICO statutes, to classify profits or fruits received from the enterprise as interest in the enterprise," or a claim of right that could afford a source of influence over the enterprise."

The court went on to note that the more natural interpretation is that an "interest" is akin to a continuing proprietary right in the nature of partnership or stock ownership or holding a debt or a claim as distinguished from equity in investment."

And I have just given you a couple of, you know, lines of this. You read the whole thing and you'll see how easy it is to go in there and to be able to know in advance that you are just talking about returning all your money.

I'm sorry, returning all the money as compared to forfeiting all the property.

It's not that cut and dried. Not at all. It has to be figured out, just as Jeff did, and there's no way you could know what it is you are going to be

returning until you sit down and you figure it out, which is what Jeff did and when Jeff presented to the Judge the order with the figures in it, that's when Judge Hastings knew what was going to have to be returned, not before.

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Jeff testified to that. Judge Hastings testified to that. Reid Weingarten testified to the contrary.

We have explained to you that the Judge has booked several speaking engagements,and we told you about the time in Albany, speaking on the 8th, left on the 7th, he went to Albany, and then you get to the Government's chart again because on the 7th Judge Hastings calls--I'm sorry--on the 7th he leaves Miami and goes to Tallahassee.

He rents a car, and he drives to Albany. On the 8th, he calls Bill Borders and there's supposed to be something significantly attached to criminality in that call. Bill Borders' phone were tapped at that time so you have the exact words that the Judge spoke when he called Bill Borders on October the 8th and read it. Just read it. It doesn't say anything about any criminality.

It has once again to do totally with travel arrangements. "I will be coming in Friday morning at 10:40."

There's some discussion as to how he spells his name. A guy named Crump is sitting in the room with Bill Borders. Bill Borders takes down the information that Judge Hastings gives him relative to

when it is he is going to be coming into D.C. on the 9th, tells him that he is going to pick him up, there's some conversation about where are you going to stay?

Judge Hastings tells him, "I have a reservation at the Hilton, but I would like to be at the L'Enfant."

Bill Borders says he can arrange it and evidently he does. And that's all there is in that conversation. Nothing more. But it's on the Government's chart and because it is on the Government's chart it's supposed to be an element of proof that the Judge was involved in a conspiracy, and I think we ought to cover it up.

(Ms. Williams placed a magnetic tape on the chart.)

There it is. Unless and until, ladies and gentlemen, there's some reason for us to believe that innocent acts of Judge Hastings had or were in some way related to non-innocent acts of Bill Borders, then we just have to assume that they were innocent acts, unless there's some proof to the contrary.

All right. And then, finally, we get to Washington D.C. on October the 9th and there's one thing that I would like to point out to you about the 9th that's a little bit worrisome.

At 10:20 a.m. there's a telephone call from Paul Rico to Bill Borders' office. Now Paul Rico is working for the Government. The Government has a wiretap on Bill Borders' phones. They know that Judge Hastings is coming to Washington, D.C. and that he is scheduled to arrive at 10:40 that morning. They start calling at 10:40.

Now, you have to understand Rico got there on the 8th, but he doesn't call Bill Borders on the 8th. He doesn't try to set up this exchange of $125,000 on the 8th. Oh, no, no,no. We must wait until October the 9th, and we must start calling just before we know Bill Borders is going to be going to the airport to pick up Alcee Hastings.

They called at 10:20 a.m. The Judge's flight comes in at 10:40. They call at 11:08. They call at 11:46--I'm sorry--they call at 11:08. Bill Borders gets into the office about 11:46. He makes a call back to the undercover agent, and he goes to the Marriott Twin and we all know what happened there.

Now, talking about inference. There's inference that can be drawn from that sequence of events, too. They were trying to involve Judge Hastings in this exchange of $125,000. It's a clear inference. Otherwise, they could have exchanged the money that

that night. Bill Borders was in Washington, D.C. Paul Rico was in Washington, D.C. and established absolutely no contact, none whatsoever.

The hope was that Bill Borders would run out to that airport, pick up Al Hastings, and while he had him in the car, he would swing on by and somehow get the message and swing by that Marriott and ensnare the Judge in this terrible scheme.

But it didn't work. They didn't make contact with Bill Borders at 10:20 and they didn't make contact until 12:46 and by that time Judge Hastings was about his normal affairs and Bill Borders was about his.

Now, there's been some discussion about the fact that Judge Hastings was in the presence of Bill Borders when he spoke to the undercover agent.

Ladies and gentlemen, there's been no evidence in the case to that effect. Absolutely none. You heard Cindy Rogers get on the stand , and she testified that Judge Hastings came in. He kissed her on the cheek, he went to the bathroom, he came back out. She never said that he went into that office where Bill Borders was while Bill Borders was on the telephone.

Judge Hastings says he was in the empty room foyer, or whatever, and he could see through the

way that Bill Borders was on the phone, but he said he never places himself--who placed Judge Hastings in that room with Bill Borders while Bill Borders was talking to the undercover agent? What witness? When?

Okay. We need to track the 9, October the 9. It's a very important day, and we need to track it.

Now, when Bill Borders picks up Judge Hastings, he takes him immediately to the L'Enfant Place Hotel and there had been some arrangements made regarding rooms about which the Judge has absolutely no knowledge. He accepted it as a--it's a great arrangement. Why shouldn't he? But he had no involvement whatsoever in the determination that his room would adjoin Bill Borders' suite.

No involvement whatsoever, but that's the situation, and he gladly accepts it.

They go to the room. A few minutes later they go up to Hemphill Pride's room. There's some great exaltation. How are you doing? Haven't seen you in a long time kind of thing. Some discussion as to how the day has progressed. Judge Hastings even recalls the fact that while in the room, he played with the baby and had the aspirin, and he had the grapefruit juice and that. Hemphill Pride was in the bathroom when he got there and that the wife was not properly robed.

There's some discussion there and at that point in time, Hemphill Pride decided that he's got to go shopping with his wife for baby clothes which they planned that day. Bill Borders says he has errands to run. Judge Hastings indicates that he had a bag he wants repaired. Bill Borders says, "I will take you to

the luggage shop." They get in the car and Judge Hastings outlined all these detours of which he had no prior knowledge that Bill Borders made on the way to --so called to the luggage store which, by the way, they never made, right?

They went to a liquor store and they went to the courthouse first. The liquor store and then finally they wound up at Bill Borders' office and that's where Bill Borders gets a call from the undercover agent and says, "Time's running out" and points Judge Hastings in the direction of a luggage store.

All right?

Judge Hastings at that time leaves and one thing you got to be aware of here. We have learned subsequently that right outside Bill Borders' office there was an FBI--a special agent. We don't know exactly who it was, but we know there was one out there. All right.

Now, somehow or other, Judge Hastings manages to dash right by this special agent such that hours later the FBI was coming to Bill Borders' office looking for Judge Hastings, as if they thought he was still there.

Now, somebody was supposed to be surveilling him but somehow or the other the surveillance broke down, and I think one of the FBI agents testified that that happens. He said even when the person is walking that happens. Even if he is walking casually and slowly, that happens, the FBI loses them.

Well, makes you wonder.

At any rate, they didn't see him when he came out of Bill Borders' office. He ran all these other errands. He walked over to Brenda Russell's, Mickey Young's Dress Shop. You heard about that. You heard it from Brenda Russell and you heard it from Judge Hastings. She came in for the specific purpose of corroborating what Judge Hastings did that day, at

least some way to show you what he did, that he wasn't about anything but his own business.

She told you that he came into her store and he was there for some twenty to thirty minutes. He made some phone calls but she testified that she was sure that he never reached any party that he was trying to reach.

He proceeded on to the luggage store. He went to one. It was too expensive. None of them repaired anything. He wound up buying a man bag. We showed it to you.

He went to the Kramer's Bookstore. He bought books for his mother. We showed them to you. Right?

He was about his own business, had no knowledge whatsoever that Bill Borders had just received a call from undercover agent Paul Rico saying, "Come over here and pick up the other $125,000." They just haven't shown that, that relationship at all. They haven't shown at all that there was any knowledge on his part ever at any point in time about anything that Bill Borders was undertaking.

You always have to sort of just feel it because it hasn't been proved.

Judge Hastings goes, finishes his errands,

takes a taxi, goes back to the L'Enfant Plaza.

Pride comes down. They have lunch. They go to the bar. They come back up. Pride goes to his room. Then the bad news comes and he learns about Hemphill Pride--I am sorry--he learns about Bill Borders' arrest.

We will backtrack for a moment and deal with Hemphill Pride for just a minute, because from this point on the Government relies in great part on what Hemphill Pride recalls to be the actions of Judge Alcee Hastings on that day.

First thing you have to realize is that when Hemphill Pride took the stand, he said he had a problem, a problem with detail. He testifies to that. Okay?

Now, and it has been corroborated over and over and over again. Any number of people have come in here and when asked about Hemphill Pride's reputation for truth and untruthfulness, one guy said, "It is iffy." Brought in his wife today and she said he doesn't remember things very well. She didn't say he lies. She said he doesn't remember things very well.

Brought in his wife before this wife, Mildred Pride, and sat there and very moved in having to tell the world at large that Hemphill has a problem

with the truth. She said, "Personally, I know that he lies. And I also know that today he lies because we still have friends in common and those friends, when they speak to me, are having problem with the fact that Hemphill does not always tell them the truth." She came in here and she testified to that.

Attorneys in the South Carolina--I am sorry--Columbia, South Carolina, area came in here and they told you about that, Robert Mance told you. Delano Stewart, an attorney from Florida, came in here. He knows Hempy. He told you about that.

Any number of people came in here and they told you about that. And we had a reason for bringing these people in here so that they would tell you that Hemphill has a problem.

One guy tried to be really straightforward in telling you exactly what it is that is Hempy's problem. He says he just distorts the facts. He is not being malicious. He is not a mean, bad guy. He's just got a problem with seeing things and remembering them exactly the way that they occurred.

Now, we wanted to be sure that you knew that. It wouldn't be enough, we didn't think, to just put Alcee Hastings on the stand and let him tell you that. So, we thought we'd bring in Hempy's friends and

let them testify to that, and then you would have no reason for doubting that the man has a problem with recalling facts; the man has a problem with the truth.

The present wife, Shirley Pride, came in and she testified that when she and her husband got back on October the 9th from their shopping expedition that she went up to the room and she ordered room service.

I said, "Didn't you have lunch while you were outside, while you were shopping?" And her answer was, "No."

Now, you remember Hempy's testimony. Hempy testified that he and his wife had lunch while they were shopping. The wife says that is not true.

Hempy, if you recall, came back into the L'Enfant Plaza, went down to Judge Hastings' room, ordered soup and a sandwich. Remember that?

Now, if he just had lunch outside, it is doubtful that he would have come in and had room service and come in here and say they didn't have lunch and certainly it's doubtful that he would have headed right down to Judge Hastings' room and immediately ordered soup and a sandwich.

Now, that is minor.

The big reason you need to know that Hemp has a problem with detail is because Hemp says that once he went back down to Judge Hastings' room--I am sorry--once he called Judge Hastings and told Judge Hastings that he had an urgent message for him and Judge Hastings came up, that they stood in front of the elevator and that they talked and they told him all the news that John Shorter had given him and that he went back to his room, took the baby in back to the wife, came right back out and went downstairs with Judge Hastings to his room.

That is not the way Judge Hastings remembers it. That is not the way Shirley Pride remembers

it. She got on the stand and she said that when Hempy brought the baby back in he sat on the side of the bed for some period of time before he went back out.

Judge Hastings remembers that he left Hempy, headed back to his room; that Judge Hastings went down to his room and that there he made phone calls.

That is why it is important.

Now, you say, well, even if you get past the fact that Hempy may have been mistaken, what about all this evidence about lack of phone calls on the L'Enfant Plaza's bills?

Let's look at that for a minute.

Mr. Blocker came in here and Mr. Blocker brought with him these little pieces of paper, this one being the tally slip and this one being the little slips that represent every toll call that was made, so he says, on October the 9th, and the billing to the particular room showing the time and et cetera.

Now, he indicates that these things come in just this way, one at a time. Okay. Not a roll or anything like that. And they are not numbered. There is no order. You can't tell, I guess, other than by time where the beginning is and where the end is. And you might get one that is timed at 1:48 and the next

one that is timed at 2:09. And you have no way of knowing if there were some in the middle. There is just no way of knowing that.

Now, Mr. Blocker came in and he testified that it is literally impossible that he didn't--that three calls would have come in the L'Enfant Plaza Hotel on October the 9th and there wouldn't have been a slip here to represent those calls.

He also testified to you that all he has got in his hotel is something called the receiver, that he has nothing to do with the programming of, that he doesn't know how to operate, that he doesn't know anything about it. Okay? All he has got in his hotel is the receiver about which he has no knowledge of the functioning of and that there is another machine involved that comes out of the telephone company that sends these things to his hotel.

I want to direct your attention for just one moment to the testimony of B. J. Cruel. She was a little lady who worked at the L'Enfant Plaza Hotel that came in here and testified that she registered Bill Borders and Judge Hastings and took them up to their room.

She also testified about these things, right? And she said that, you know, "We mix them up

from time to time. We sometimes don't get all the charges that you are supposed to get."

And it wasn't really clear and it is not really clear as to whether or not they mixed them up and they really lose them or do they, out of an act of kindness for somebody that they like, sort of just take them away and drop them somewhere?

If they did that, there is no way Mr. Blocker could know. All he knows is what he actually gets. All he knows is what these things tell him. He doesn't know what happens between the time they come into the L'Enfant Plaza Hotel and the time he picks them up because there are two or three other people that deal with them, maybe even more than that, before he gets this thing.

In addition to that, not only can you not trace--there was no proof that everything that came into the L'Enfant Plaza on October the 9th reached him.

In addition to that, Judge Hastings, with his help, pointed out the inaccuracies on this itself. I mean, if they had come in with a fail-proof kind of way of proving that it is absolutely impossible that the Judge could have made these calls and they could not be reflected on his bill for October the 9th, I wouldn't be talking about this and we wouldn't be going through

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all this extensive discussion about it.

But there wasn't. What you've got is a very unreliable sort of way of proving the number of calls that were made from the L'Enfant Plaza Hotel on that day.

One other thing you need to remember. Barbara Katzen, the law clerk for Judge Hastings, took that stand and she testified that she said, "I received a call from Judge Hastings who was at the L'Enfant Plaza Hotel, or at the hotel," pardon me, "at the hotel in Washington D.C. some time between one and three o'clock on October the 9th."

She said that at that point in time she told Judge Hastings about a call, a message that she had taken from him the day before from Barbara Whiting. You remember Barbara Whiting? She was the lady in charge of getting together the October 9 boat ride for Bill Borders. And she called Judge Hastings to tell Judge Hastings that they had just decided, at the last minute, that he was the one to present Bill Borders with the placque on October the 9th.

At any rate, she was trying to call the Judge and tell him about that.

The Judge has already left. But Barbara or somebody in the office took a message from Barbara Whiting on October the 9th regarding the fact that he needed to get in touch with Barbara Whiting regarding what the Judge's role was going to be at the affair, itself.

Now, Judge Hastings knew that Barbara

Whiting had called some kind of way or the other and he may have had a call from Barbara Whiting and Barbara Whiting vaguely testifies, testified that she vaguely remembers talking, somehow or the other. She said, "We talked about the fact that he was supposed to present the placque to Bill Borders on October the 9th.

Judge Hastings made the efforts to get in touch with Barbara Whiting. Why would he do that if he did not receive the message from Barbara Katzen when he called Barbara Katzen from the L'Enfant Plaza Hotel on October the 9th? Why would he do that? Why would he just seek out Barbara Whiting?

The other thing that makes a -- and this is really a difficult area, but the other thing that makes it unbelievable that that thing is fail-proof is that Judge Hastings made local calls. Carolyn Lewis came in here and she testified that he called her and there is no record of that, no charge on the bill anywhere for the local call.

I mean there were some breakdowns, obviously, in the L'Enfant Plaza billing of telephone calls because without a doubt Judge Hastings called Barbara Katzen on October the 9th from the L'Enfant Plaza.

Now, there are only two other possibilities

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Let's wait just a minute. He may have called Barbara Katzen from Bill Borders' office, you may say. But you've got all the toll records in here for Bill Borders' office and you look at October the 9 and you are not going to see any calls to his office.

Not only that, there was a wiretap at that time and if he had called his office from there you would know about it. We don't know about it. So, he didn't call from Bill Borders' office.

The other possibility is that he might have called from Barbara Russell's office, but she came in and she testified, "Yes, he made some calls, but he did not reach the parties that he was trying to reach." So he didn't make the call there.

And not only that, both the times at which Judge Hastings was at both of these places, it was too early. She said it was between eleven and three--I am sorry--between one and three. And Judge Hastings was back at the L'Enfant Plaza during that point in time.

Ladies and gentlemen, the Judge says that he called his mother from the L'Enfant Plaza Hotel. He did, and this does not refute that. He said he called Barbara Katzen from the L'Enfant Plaza Hotel. He did,

and this does not refute that. He says that he called Patricia Williams from the L'Enfant Plaza Hotel, and he did--I am not testifying--and this does not refute that.

Hemphill Pride described for you all of the actions of Judge Hastings from the time at which he told him that -- of Bill Borders' arrest until he last saw him leaving the L'Enfant Plaza Hotel. There has been some discussion about the Judges' fleeing Washington D.C.

Now, I specifically asked Hemphill Pride during cross examination of him, whether or not he did in fact view the Judge's action after he gave him the news and he said that he did, and then I asked him whether or not for one moment he thought that the Judge was fleeing and his answer was, "No, I did not."

Now, if Hemphill Pride, who was there and saw everything that the Judge did, heard everything that the Judge said, if he did not perceive that the Judge was fleeing, how can Reid Weingarten, much much later, come in and perceive and ask you to perceive that he was fleeing?

I mean all Reid knows is what Hemphill Pride told him, and Hemphill Pride said he was not fleeing. So, why should you believe contrarily?

Let me read from that for you.

"Mr. Pride, did you get the impression, on October the 9th, that Judge Hastings was trying to evade somebody or fleeing or anything like that?"

And he answered:

"There was no impression of flight in his conduct or activity while he was with me."

End of story. No flight. Unless you just base it on nothing; that is what you would have to do.

The Judge made the calls that he said he

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made. He learns the things that he said he learns. He learned about activities in his office that were troublesome to him. He learned about activities around his mother that were very troublesome to him. And he decided, based on the conversations that he had with Hemphill Pride and based on the conversation that he had with me and based on what he told was an obligation to his mother to come and get her out of the situation that had arisen as a result of the news about Borders' arrest and his alleged implication in that.

Based on all of that he decided that his best bet was to come home.

So, what did he do? He got his things together and you have to remember Hemphill said that he went down to the Judge's room and he was going to assist the Judge in packing, but there was nothing to be packed. The Judge never unpacked. All right?

Anyway, they got the things together and the Judge left and he got in the cab and he did pay $50 and he rode all the way to the Baltimore Airport.

Now, I want you to think back to the testimony of Dale Bird. Dale Bird is the FBI agent who came and explained that the only sensible thing that the Judge could have done at that point in time was to take the flight that he did take if he wanted to get to

Fort Lauderdale the earliest. Now, there has been some discussion about 197, the flight that the Judge took in July of 1981. Dale Bird pointed out that that flight was not existing in October, 1981. All right? That flight in--just a moment.

That flight 197 in July left at 5:30. That flight 197 in October left at 4:35 p.m.; they changed it.

All right? According to the testimony of Dale Bird the best thing that the Judge could have done to get to Fort Lauderdale the earliest was exactly what he did. All the other flights had layovers in Atlanta or they went to Miami and still they had layovers in Atlanta that if the Judge wanted to get to Fort Lauderdale the earliest, all he could do was take the flight that he wound up taking. There should be no big mystery about that. The FBI agent said so.

Now, the Judge arrives in Fort Lauderdale approximately 3 o'clock that evening--I am sorry--at 6:50 that evening. He goes home. And I have already been over with you why there is no reason for you to believe that the Judge did not go home.

First of all, he was very concerned about his mother and why wouldn't he? Secondly, there has been nobody to testify that he did not go home. There

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has just been an allegation that he did not. So, since it is unrefuted, you have to believe that he went home. He went home. He stayed there a half an hour or so. He calmed his mother down. He left there and he came to my house.

Now, when the FBI -- let's talk about Mr. Simmons. I think he was probably the next-to-last witness that you heard from, and he said that on October the 9th, at about 9:30 that evening, somebody from the FBI called him and told him that his assignment was to interview Judge Alcee Hastings.

9:30 p.m. he said he got that assignment. Now, by 9:30 p.m. the Judge had been home, left there and was probably over at my house. All right? But because Mr. Simmons did not see the Judge at his home, and because Mr. Simmons did not call the Judge at his home, you are supposed to infer that nobody from the FBI called the Judge at his home.

Now, if Murphy had gotten up there and said, "None of my agents called Judge Hastings at home," then you would have a basis for believing that none of the agents called Judge Hastings at his home.

If Amoroso got up there and he said, "None of the agents called Judge Hastings at his home," then you would have a reason for believing that none of

the agents called Judge Hastings at his home. But there is Mr. Simmons who got assigned to the case at 9:30 that night.

How does he know what other agents did and did not do? It is not even his job to know what other agents were doing on that case all day and at other different times. That is Amaroso and Murphy's job. Simmons can't testify about what other agents did.

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When Mrs. Hastings came in here and said that the agents called her, unless they bring in somebody who has got some background on which to testify that no agent called, unless they do that, then you have to believe that the agents called, and they did. They just put Simmons on the stand, who got detailed at 9:30 p.m. October the 9th.

Let's talk about that. It is 9:30. He said he lives in Fort Lauderdale. You can get anywhere in Fort Lauderdale within a half-hour. It took him one hour forty minutes--well, he got around to interviewing the Judge about 11:15 that night.

What was he doing from 9:30 to 11:15? Well, we don't know, but the Judge was th ere waiting to be interviewed and gladly accepted Mr. Simmons. Even Mr. Simmons says that, gladly accepted him when he got there and told him everything, responded to every question that the Judge asked and never ever have they come in here and said that anything that the Judge said to them on October the 9th that they checked out did not check out to be exactly what the Judge said on October the 9th.

Never did they come in here and say that. Never ever.

All the accusations about untruths on

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behalf of Judge Hastings happened during the course of this trial and were never proved, were never proved. You have to remember that.

THE COURT: Counsel approach the Bench for a moment.

(Sidebar conference between the Court and counsel out of the hearing of the jury as follows:)

THE COURT: The time allotted to defense counsel was an hour thirty minutes. You have been arguing an hour forty minutes at this point.

MS. WILLIAMS: All right. I will try to conclude.

THE COURT: You may have additional time if you wish, but the jury is obviously getting very restless.

MS. WILLIAMS: So am I.

THE COURT: How much longer do you expect to be?

MS. WILLIAMS: A half hour.

THE COURT: I think we should recess now and continue after lunch, if that is all right. Is that agreeable?

MR. WEINGARTEN: Okay, sure.

THE COURT: We can take a ten-minute

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break? I've been watching them.

MS. WILLIAMS: Your Honor, my preference would be that we take the luncheon break so that I can get my throat back.

MR. WEINGARTEN: Okay.

THE COURT: Suspend for lunch at this time and we can give you another thirty minutes.

MS. WILLIAMS: Thirty minutes.

THE COURT: At which time Mr. Weingarten can follow that, and the charge.

(Sidebar conference concluded and the following proceedings were had in open court:)

THE COURT: Ladies and gentlemen, counsel and Court have agreed to adjourn for lunch at this time. Miss Williams will argue for the defense after lunch.

The Government then has a limited time for rebuttal. I will then deliver the case to you with my charge. We will recess, then, until quarter of two, which is approximately an hour fifteen minutes from now.

May I remind you, ladies and gentlemen, don't discuss this case during the recess. You haven't heard all the arguments. You haven't heard the charge, yet.

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The Court will recess until 1:45.

(Luncheon recess taken)

AFTERNOON SESSION

[The trial reconvened at 1:15 p.m.]

[The following proceedings were had out of the presence of the jury:]

THE COURT: Good afternoon, ladies and gentlemen, and good afternoon, counsel.

The jury may be called to the courtroom.

[The jury entered the courtroom and the following proceedings were had:]

THE COURT: Good afternoon, ladies and gentlemen.

I express the hope that you had a satisfactory lunch.

And in the closing argument, the defense may continue.

MS. WILLIAMS: Thank you, your Honor.

THE COURT: Ms. Williams.

MS. WILLIAMS: Good afternoon, ladies and gentlemen.

I have but a little left and I will move as swiftly as possible through it.

I would like to do just a little bit of housekeeping right now.

I was beginning to place little red magnetic spots over those pieces of evidence on the Government's chart wherein defendant had given a reasonable hypothesis of innocence or reasonable explanation that pertained to innocence, and I left off some of them and I'd like to go back and put them on.

These are not the right size, but we proved that Judge Hastings stayed at the Washington Sheraton in Washington, D.C., on September the 12th, and we told you about the innocent explanation for why he was there with Jesse McCrary.

So, I am going to cover that.

Then I am going to take this one down and deal with October's. All right.

On October 5th, I have explained to you about Judge Hastings going into Jeff Miller and telling Jeff Miller to do the order today, and that has nothing to do with any conspiracy, and I am going to cover that, too.

I have also explained to you the October 5th conversation that pertains clearly and solely to letters on behalf of Alcee Hastings, so I am going to cover this chart, this entry which pertains to that letter and--I am sorry--to that conversation with William Borders.

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On October the 9th, I explained to you Judge Hastings' arrival at the airport on October the 9th and how it was just for the Bill Borders' boat ride, nothing else. I am going to cover that.

As well as the fact that Judge Hastings was at Bill Borders' law office through happenstance on thinking he was on his way to a luggage store, so I am going to cover both of these. Okay.

My thing is too big, but I am covering Hastings at Borders' office. That is what I am covering.

And we've also talked about Hastings at the Baltimore-Washington Airport and his flight home from Washington, D.C., and been able to explain it totally inconsistent with guilt and consistent with innocence. And I am going to cover that.

And now I would like to talk to you for just a brief moment about telphone activity which has been introduced in evidence here.

You learned that on May 4th and May 11th there was telephone activity between Bill Borders and Judge Alcee Hastings. It is supposed to be relevant to their case because on May 4th the forfeiture order in the Romano case was first entered. That is the very first time the Judge said that 1.2 million dollars had

to be forfeited from the Romanos. That happened on May 4th. And the fact that there was telephone activity is supposed to have some relevance.

I would like for you to inquire with me for just a moment as to what kind of relevance it could possibly have.

What the Judge did on that day was forfeit money from the Romanos. He wasn't giving it to them. He forfeited money from the Romanos.

Now, in order for this to somehow tie into this scheme of bribery that the Government is talking about, the Judge on May 4th would have had to have been able to have some kind of forevision. He would have had to have needed to be a soothsayer. He would have had to be able to know on May 4th that Neil Sonnett--I am sorry--that Marshall Curran, who was the attorney of record for the Romanos, would somehow leave; that Neil Sonnett would somehow come in; that Neil Sonnett would file a motion for re-consideration later on; that that motion for re-consideration would allow him an opportunity to go back and do something different than he had done on May 4th.

What you have to remember is that on May 4th the order that the Judge signed was perfectly in compliance with the law. The law dictated at that

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point in time that he do exactly what he did.

It was later when Martino and Peacock and those decisions came out that it appeared it was so that he needed to reverse what he had done.

Now, I am having and you probably do, also, have some trouble with understanding why on May 4th any telephone call activity that Judge Hastings had or may have had with William Borders could have in any way been related to what was going to happen at some point later in this order which nobody could have been able to foresee at that point in time.

It is just impossible. He would, as I said, have needed to know about changes in attorneys and everything. And there is no way he could have known that.

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So, it is just ridiculous to assume that telephone activity between Bill Borders and Judge Hastings at that time had any relationship whatsoever to any evil undertaking.

What would he be telling him, "I just took the money from the Romanos"? And so what?

At that point in time?

Then you get some information about phone activity between the Judge and Bill Borders on July 7th, which is the day immediately preceding the July 8th hearing, and on July 9th, and somehow you are supposed to infer that whatever they talked about on those two days must have been related to what the Judge was going to do on July 8th.

Well, what the Judge did on July 8th, as you well know, is re-affirm. He re-affirmed what he had already done on May 4th. He kept the money from the Romanos.

Why it would make any sense at that point in time for him to call Bill Borders and say, "I am re-affirming my decision of May 4th," is difficult to understand. But somehow or other, there is supposed to be something, some relationship to the telephone conversation and the Romano order.

I don't see the relationship and certainly

none has been proven. You are just supposed to infer that because the call took place around the time of some activity in the Romano order that there was some connection.

But it is illogical, ladies and gentlemen of the jury, and that kind of inference cannot even be logically reached.

Now, what might be a little bit more logical is to infer, if something must be inferred, that in July, at least we know that the National Bar Association was meeting in Detroit at the end of July; that Bill Borders was the outgoing president; that there may have been lots of conversation and communication between the Judge about that particular upcoming National Bar Association meeting. That makes a little bit more sense.

But since there is no proven relationship between these calls and anything, then they should be just seen as calls, period.

While we are talking about calls, bear with me one moment while we go back to that Washington--Baltimore-Washington Airport and the fact that Judge Hastings made calls from four different booths.

I just want to remind you once again that Judge Hastings on the stand and during cross

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examination testified that he had lots of problems with some things that have happened in this case, lots of difficulty with some actions on the part of the Government.

He testified that he felt that his phones were wiretapped. He testified that he even had a meeting regarding that. He testified that there were people breathing down his throat in the airport. He testified that he wanted to talk to his attorney in private.

There are reasons that the Judge gave for his moving from phone booth to phone booth and simply has to do with wanting to say what he wanted to say to his attorney in private.

And this country recognizes that kind of interchange between lawyers and their clients. And that is the only thing he was trying to do was to insure that that was what occurred.

He testified that he not only believed his phones were tapped, he somehow moved it over to my phones were tapped, and since there was no explanation as to why that came into--that idea came into his head, we won't get into that, but he did testify that he felt that.

And that would explain his feeling about the Government and his activities, his feelings about

wiretaps on his phone, his feelings about people just invading his privacy; explain why it is he moved and the way that he moved on October the 9th and the conditions of October the 9th.

When you take all of that into consideration, you may be able to better understand what the Judge was doing when he was at the Baltimore Airport.

Consider with me for just one moment these facts: Judge Hastings knew that if he signed an order which would return the money or anything to the Romanos that the Government would appeal that order. He knew that because Mr. Deichert was the attorney for the Government and Mr. Deichert is sort of an expert at forfeiture and Mr. Deichert felt that that was wrong, to return the money to the Romanos; that the law did not--even though it may have been written there and published, that the law was really wrong and would be reversed, et cetera.

He knew because he was dealing with Mr. Deichert and knew how strongly Mr. Deichert felt about it, that if he returned the money to the Romanos that it would be appealed and if it was appealed, as he explained to you, the Romanos would not get the money.

Now, it appears that Judge Hastings knew this and William Borders did not, for if he did, he

could not have proceeded the way he proceeded. He could not have been dealing with Paul Rico thinking he was Frank Romano, saying, "Day after tomorrow an order is going to come out and that order is going to return the money to the Romanos." He would have known that the order may have come out but the Romanos would never get their hands on that money for the Government would appeal that order. He would have known that.

Consider that Judge Hastings knew how Frank Romano looked. Consider that Judge Hastings knew, had access to pictures of the Romano brothers from the files that he had on the Romano brothers and then wonder why it is that Bill Borders did not know how Frank Romano looked and that Bill Borders did not have pictures of Frank Romano so that he would not be taken in by somebody who was supposedly pretending--I am sorry--who was pretending to be Frank Romano.

Al Hastings knew that the Romanos were living in California. He knew that because he granted them permission to travel back and forth there, and because probation reports on the Romanos stated, indicated that they were going to be living in California. Now, obviously Bill Borders didn't know that. All right. Just consider that for a few moments.

Al Hastings knew that of the Romano brothers, it was Tom Romano who was the braintrust and negotiator of affairs, not Frank.

Bill Borders didn't know that. He was dealing with the wrong guy.

There has been no proof in this case, ladies and gentlemen, that Bill Borders knew the substance and timing of the order. Now, why do I say that? Because there has been proof that on September 12 when Bill Borders was talking to Paul Rico he said to him, "Within ten days an order will come down."

That would have meant that an order would have been out by September 22nd. We know that on the 22nd there was no order.

On September 19 when Bill Borders met with Paul Rico he said, again, "Within ten days the order will come out," and we know that on the 29th of September there was no order. Bill Borders didn't know when this order was going to come out. Al Hastings didn't know when this order was going to come out.

Then, there is another date established and that date is October the 3rd, and as you well know on October the 3rd no order came out.

One other thing that you need to be aware of is that on September the 12th Judge Hastings

did not go into Jeff Miller and say, "I need this order within ten days," or, "I need this order today," or anything like that.

On September 19 Judge Hastings did not go into Jeff Miller and say, "I need this order within ten days," Or,"I need this order today," or anything like that.

On October 3rd, Judge Hastings did not go into Jeff Miller and say, "I need this order within a couple of days," or whatever the case may be. The fact of the matter is there has been no proof that Bill Borders knew when this order was going to issue. It is just clear. Otherwise he would not have been saying this time, and then this time and then this time. There has been no proof that Bill Borders knew the substance of that order and one of the tapes he says that within ten days an order will be issued returning a substantial amount.

Well, if you were paying $150,000 to have something returned and somebody came to you and said, that what you were paying for was a substantial amount, would you know what you were paying for? What is a substantial amount? How much is that?

What I am going to get for giving you $150,000? That kind of language, ladies and gentlemen,

does not indicate any knowledge about what the substance of that order was going to be.

Let's assume just for sake of argument that Bill Borders somehow knew what the timing and the substance of the order would have been. We think that we have presented to you, ladies and gentlemen of the jury, during our case, evidence to show that if he knew --and we don't think he did and we don't think it has been proven that he did--but just if he knew that there were ways that he could have known, had nothing whatsoever to do with Judge Alcee Hastings. You heard from one attorney. His name was Guy Burns, and he testified about the extensive amount of accessibility that he had to the Judge's chambers, to the Judge's law clerk.

He testified about it for what it really is. The Judge's chambers is open to the lawyers and his law clerks are available to assist them in whatever ways they can, but this is because this is viewed as something that aids in movement of cases, that helps them get resolved, not because it is supposed to be some kind of effort to allow people to come in and find out what is going to happen about an order before it happens.

And while we are on that, what is so secretive about the Romano order or any other order?

There has been some shroud of secretiveness that is supposed to surround orders when they are coming out of Judge's chambers, and that is unheard of. There is no secrecy about orders. Orders, almost everything that happens in a federal court except for very sensitive matters are open to the public. You come in and you sit and you hear it.

If you want to see files you go back into the Judge's chambers and you say you want to see the files and they are public record. You go and you look at them.

Ask yourself, ladies and gentlemen, where did this secrecy come in about this particular order. It wasn't about anything sensitive. It wasn't about wiretaps or anything that needed to be kept under shroud. It was just an order on forfeiture. And anybody could have access to the Romano file to determine that that order was pending, could have access to the Romano file to find out that people had filed briefs talking about Martino, talking about Peacock. All you had to do was go in and say to somebody in Judge Hastings' chambers, "I'd like to see the Romano file," and they are supposed to show it to you.

It is a public document.

You heard information from Barbara Katzen,

one of the Judge's law clerks, and she talked about the fact that she talks to goodles of lawyers on the phone. She entertains lots of them when they come into the office. It's part of her job. That is what she is supposed to do.

Lisa Goldstein said the same thing.

Alan Ehrlich said the same thing. That is what law clerks do.

Betty Williams, the secretary, received any number of calls from attorneys regarding asking when is the order going to issue, and if she knows, she probably tells them. She can't ever tell them what the substance of the order is. She is not supposed to do that, I don't suppose, but there is no secracy regarding same. You have even seen instances wherein lawyers know in advance what the order is going to be. These are, I do agree, lawyers who are assigned to the case involved. They know what the order is going to be. Mr. Deichert knew what the order was going to be on May 4th.

How did he know? He prepared it and sent it in for signature. And the Judge signed it.

Now, he cannot get up there and say he didn't know what was going to be in that order because the Judge asked him to prepare the order for signature. And he did, and that happens on a frequent basis. Sometimes lawyers know in advance and need to know in advance when an order is going to be issued so that they can deal with their clients in some kind of orderly fashion. And Judges, where they can, assist the lawyers in that respect.

So, somebody could have learned about the Romano order, I suppose, if it had been left lying around, and we have heard about the file lying around on

the Judge's -- at the table at the entrance to the Judge's chambers. Not really certain what was in it. Jeff Miller does not think that there were any aspects of the order that he was preparing in that file, but we are not sure what was there and what was in it, but it was there and anybody could have picked it up and looked at it and seen anything that they wanted to see.

Not only that, there has been testimony about the interest in the forfeiture aspect of this order that was going to be issued. You found out that there were civil proceedings that were involving the Romanos that caused any numbers of attorneys to be interested in when that order was going to issue, and what it was going to say, because it directly affected what they were going to do for their clients against the Romanos in some civil proceedings.

If somebody wanted to learn about the order it is not inconceivable that they could not and they did not have to learn from Judge Alcee Hastings, himself, who has told you that he didn't know until he signed the order, itself, on October the 6th.

There is another reason you need to understand that if somebody wanted to learn about this order they could, and this comes from the tapes. Now, it's been alleged that there is a conspiracy afoot and

that conspiracy involved Judge Hastings and Bill Borders. And outside, on parameters, there is William Dredge and there is Paul Rico, but they are government agents, so you really aren't supposed to consider that they are conspirators.

But at any rate, they are involved and participating in whatever the scam is.

I want you to pay attention to the call that was intercepted on the wiretap on-- I am sorry-- Rico was wired September 12, 1981 at 8:05. There was a meeting between Bill Borders and Dredge and Rico. Okay?

Now, I have just taken just a little bit out of that because I want you to pay attention to the fact that there is somebody else involved in this that we don't know anything about. William Dredge says, "Yeah, well, then, I went and I called, ah, I called her twice."

Well, who is she? And what is she to all of this? Nobody has explained this, and we don't know where she is, but they are at the Miami International Airport and William Dredge says he went in and called her.

We could assume that she is in Miami and if she is in Miami, what is her role in all of this, in

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all of this.

William Dredge, William Borders says, "Yeah." William Dredge says --"and she said, 'Ah, ah, you tried, well, where is he at?" She said, "Restaurant Seventh Floor," and he has a query who this person is and the Government hasn't explained to you who she is and what her role was in all of this, and it gets even more complicated, ladies and gentlemen.

Because there's also a "he" who has not been explained. This one is dated 10/2/81 and the time is 3:10 p.m., and we are at Borders' law office, and the phone is picked up by the wiretap.

Paul Rico says, inquiring about the order, "It's October 7th and it hasn't issued." He says, "What's happened? Ya know, the ah, ah, the, nothing has happened here."

And William Borders says, "I think it has. Your man should have told you. I'll check into it." And Paul Rico said, "I, I, ah, talked to my man and, ah, asked him what was new and he said nothing, you know, really. So I don't know, ah, when was it supposed, supposed to have happened Wednesday."

Now, who is this "him"? Now what is he to all of this? And where is he? And what did he do?

He says, "Yea. Okay."

October 5, 1981, the time is 4:22 p.m. at the Borders law office. A telephone interception picked up on the wiretap. Borders says:

"Yea, yea."

These people really are inarticulate on the phone. And H. Paul Rico says, "Then, ah..." Mr. Borders says, "Your friend should tell you something. Where you went you say you went before."

Rico says, "Yea, right," and Borders says, "Yeah. He should be calling you in a couple of days." Now we should assume that this "he" is the same "he" as in the October 2nd, 1981 call. The fact of the matter is we don't know who he is. The Government hasn't explained to you who he is and what it is and that leaves a lot of room for speculation.

I just want to call to your attention that at least three persons have placed Bill Borders at the Fontainebleau Hotel. I don't really know how significant that is, but Joe Gibson came in here, a young attorney, and he testified that one day under direct examination of somebody or other, he picked up Bill Borders from the airport here in Miami and at the end of the day took him to the Fontainebleau Hotel and had dinner with him there. Jesse McCrary testified that he's dropped Bill Borders off at the Fontainebleau Hotel

and Judge Hastings testified that he dropped him off at the Fontainebleau Hotel. You know, from the testimony that's been admitted here, that Bill Borders really was a man with connections. His secretary got up there and told you about all the political, influential individuals with whom Bill Borders has associated. With whom he has friendships. And she talked about Griffin Bell and she talked about Benjamin Civeletti, both former United States States Attorneys, and she talked about senators, and she talked about congressmen, and she talked about lots of judges and lots of lawyers and the man has got connections, and we have been advocating that he peddled those connections.

We don't know about the other circumstances, but he certainly did it in this one.

Please remember, ladies and gentlemen of the jury, that there were persons in the witness box who said that Alcee Hastings did in fact ask them to help Hempy Pride. Let's see, Delano Stewart and Jesse McCrary testified that he asked them to make financial contributions to Hemphill Pride.

Paul Snead testified that he asked them to write character letters. He did not get to the point wherein he explained to them exactly to whom they were to write them and when and whatever, but he had

indicated that he expected very shortly to express that need on behalf of Hempy to his personal friends and there were several witnesses who took the stand and said, yes, indeed, he had prepared them to expect that kind of solicitation on his behalf for Hemphill Pride.

There's been no testimony during the course of these proceedings that Hempy -- that Al Hastings knew--pardon me--that Al Hastings knew that Hemphill Pride could not re-apply for his license in two years.

We introduced the evidence--the only thing we got Judge Hastings ever received, the opinion, the official opinion, regarding Hemphill Pride's matter, and we showed you that in that opinion the only thing it said is that the South Carolina Supreme Court had found his license should be indefinitely suspended and nowhere in that opinion does it state that he would not be eligible to re-apply for his license for two years.

Hemphill Pride may have testified to that effect. He never said that he told Judge Hastings that, though. He never said that. And there are any number of witnesses that have come through here and taken the box and said that they thought that Hemphill Pride could get his license restored like, right away, that that's what Hampy related to them, and it's the same thing as he related to the Judge.

One little bothersome point that we might as well talk about, and that is that after we told the Government that Judge Hastings and Jesse McCrary were in D.C. at the Sheraton, they came back and

insinuated to you that there was some kind of illicit activity going on there.

I just want to point out to you that you had no proof of that. Once again, Reid Weingarten insinuated that through a question. No proof whatsoever of anything like that. Not that it matters. I just want to point it out to you that it just was not there.

Ladies and gentlemen, Judge Hastings is the victim twice over in these circumstances. He's been victimized by Bill Borders, his friend, who used his name for his own personal benefit, and he's also been victimized, we believe, by the Public Integrity Section of the FBI in that you have seen testimony to the effect that this investigation into this matter was so loose-webbed that it allows for all these insinuations and inferences and whatever when it could have been proven beyond a reasonable doubt that Judge Hastings was not involved in any criminal scheme.

Three FBI agents took the stand and when asked, do you know for a fact some of the things that they should have known for a fact, they repeatedly answered no, no, no. And there are no laws that they should have had that would have clarified situations. They didn't conduct surveillance that they should have conducted. A point in fact, on the October 9th, Judge

Hastings left Bill Borders' office and they didn't even catch that. He was sitting in the L'Enfant Plaza Hotel. They went there and they didn't even catch that. He went to the airport in Miami on the 11th to leave here and they supposedly followed him there and they can't tell you where he went or what he did once he got to the airport. There are just any number of little things like that that shouldn't exist. You shouldn't have to make all these inferences that you are being asked to make here today so we say he has been victimized twice over: Bill Borders and the Public Integrity Section of the Justice Department.

In closing, ladies and gentlemen, I would ask that you remember what I said initially about circumstantial evidence, and this is purely a circumstantial case, and I tried to impress upon you at the very beginning that if there are 100 circumstances, no matter how many there are, all of them must be proved beyond a reasonable doubt or by law you cannot find the defendant guilty, and I tell you, ladies and gentlemen of the jury, this case is riddled with reasonable doubt. There is doubt as to what the meaning of the conversation on October 5 is.

They have given you their version. We have given you ours. Ours is consistent with a

hypothesis of innocence, according to the law, if one circumstance thoroughly established is inconsistent with guilt or perfectly consistent with innocence, the case is closed. They lose.

Now the defendant must be found innocent.

And, as I said, there are any number of places where you may find a doubt and have a reason for that doubt. I have been exploring them for the last hour and a half or so. Please recall them as best you can.

I have spoken the last words that I will speak to you during these proceedings and the last words that will be heard in these proceedings will come from you, and they will come from the lips of the foreman, very eloquently stated, not guilty.

Thank you so much.

THE COURT: Thank you, Miss Williams.

Counsel may approach the Bench.

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[Sidebar conference between the Court and counsel out of the hearing of the jury as follows:]

MR. WEINGARTEN: We think Ms. Williams misstated the law as to cricmstantial evidence, and we would request an instruction to the jury at this time.

I don't think there's any burden on the Government to prove each individual piece of evidence in its case beyond a reasonable doubt but, rather, must prove each element of the crimes charged beyond a reasonable doubt.

Ms. Williams said at least five times that the burden was upon us to prove each piece of evidence beyond a reasonable doubt.

That simply is not the law, and we want that clarified at this time.

MS. WILLIAMS: I indicated to them that if I made any reference to the law which was in any way inconsistent with your reference to the law that they are to totally disregard mine.

THE COURT: Well--

MR. WEINGARTEN: I would just like to add that the entire premise of the argument for the last two hours has been that we have a burden to prove each individual piece of evidence, each individual piece of

circumstantial evidence beyond a reasonable doubt, and that is misleading, and we would request an instruction at this time.

THE COURT: I feel compelled, because your argument on the law was just wrong, Ms. Williams.

MS. WILLIAMS: Okay.

THE COURT: And I am very reluctant to say anything. I would just say to the jury at this time that defense counsel has argued as to the matter of circumstantial evidence that I will charge them in my charge as to the correct law in that respect.

MR. WEINGARTEN: Okay.

THE COURT: All right.

Do you want time before rebuttal?

MR. WEINGARTEN: Five minutes.

THE COURT: I will give this cautionary instruction first.

MS. WILLIAMS: All right.

[Sidebar conference concluded and the following proceedings were had in open court:]

THE COURT: Madam Forelady, ladies and gentlemen, it is with great reluctance that I must instruction you that the argument which Ms. Williams just made as to circumstantial evidence is not in

accordance with the law. She has recognized that it is my obligation as the Judge to instruct you ladies and gentlemen on the law and I will do so in my charge, but her argument to you that under the law the Government has the burden of establishing each item of evidence beyond a reasonable doubt is just not a correct statement of the law.

I have been asked to give this instruction. I am required to do so. It is very reluctantly that I do so.

The Government will now proceed with their rebuttal after a five-minute recess.

In light of the length of the defense argument, you may have twenty minutes, Mr. Weingarten.

We will recess for five minutes, ladies and gentlemen.

[Recess taken, after which the following proceedings were had out of the presence of the jury:]

THE COURT: Before the jury is called back to the courtroom, I wish to explain that at this time the Government counsel have an opportunity for rebuttal.

In view of the length of the defense argument, the Court is allowing twenty minutes for the

rebuttal.

The Court will remind Mr. Weingarten--Will it be?

MR. WEINGARTEN: Yes.

THE COURT: --when he approaches the end of that twenty minutes.

I also want to remind the spectators that immediately following the rebuttal I will proceed with my charge to the jury.

At that time, the courtroom doors will be locked and no one will be permitted to leave or to enter the courtroom short of some dire emergency.

The jury may be called into the courtroom.

[The jury entered the courtroom and the following proceedings were had:]

THE COURT: I anticipate my charge will take about one hour and a half, so if anybody wants to leave the courtroom now, they should do so.

Good afternoon again, ladies and gentlemen.

Mr. Weingarten has been allowed twenty minutes for rebuttal. Following his rebuttal argument, I will proceed directly to my charge.

MR. WEINGARTEN: Thank you, your Honor.

Ladies and gentlemen, I have a brief opportunity to respond to the defense argument.

As I am sure you been able to devine, there are two profoundly different ways of looking at the evidence in this case.

I submit to you that the defense view is premised upon taking each individual piece of evidence, taking it out of context and examining it in isolation.

I submit our view is to take a look at the forest, not the trees, the entire puzzle.

We told you at the outset if you took each individual piece, if you took the Hearns-Leonard fight, if you took the Fontainebleau dinner, if you took each individual phone call in and of itself, these acts are not criminal. That's clear.

But we also told you that what you would have to do for you to render a fair and just verdict is to put the puzzle together and, if you put the puzzle together, you find a set of circumsrances that point in only one direction, and the direction is a concerted effort to commit a crime.

What do I mean by that? For example, Bill Borders told Rico posing as Romano that on September the 12th he would have the Judge at any restaurant.

What's the circumstance there? The circumstance there is that he had present knowledge of the Judge's plans. Judge Hastings testified contrary to that.

What can you conclude from that? You can conclude that there had to have been a meeting prior to the September 12th meet with Rico and Borders.

When could that have occurred? What do the circumstances say?

The circumstances say with the change of airplanes that meeting most likely occurred the day before, Friday, September the 11th.

That's not me testifying. I'm not testifying to that point. I am pointing out the circumstances that could lead in only one direction.

Alone the fact of a meeting at National Airport on September 11th, no big deal. Put it together with the fact that the next day Borders was able to tell Rico the exact time when this extremely busy Judge would be available for dinner.

Ms. Williams in her closing argument said that Judge Hastings testified that Borders only told him about the Fontainebleau that weekend and that Jesse McCrary testified that he, too, heard Borders say that he would be in Florida.

Now, I am not suggesting that Ms. Williams deliverately misled you as to the evidence. I think in her zeal she is doing her best to represent her client.

Jesse McCrary doesn't support that story.

If Jesse McCrary came to the stand and testified that he heard Borders on Saturday night say to Judge Hastings, "Go to the Fontainebleau," that would be important evidence.

I have marked the page. Mr. McCrary

first. The question:

"Q Did he tell you that he might be in Florida the next week?"

The answer of Mr. McCrary:

"A He might have. I don't specifically recall. And let me say Borders did that kind of tning a number of times. I can remember one particular incident where he called and he said, 'I will be to the football game in Tampa.' Well, you know, what difference does it make with me?"

That's no support for the proposition that Borders on Saturday night told Judge Hastings to meet him in the Fontainebleau.

The the contrary, only Judge Hastings responds to that evidence. It's his word versus the circumstances.

The dinner at the Fontainebleau, a critical issue. There's absolutely no dispute that he never told Essie Thompson anything about William Borders. He did say that he was going to look for friends in different dining rooms. That was Essie Thompson's testimony.

Did he in fact do that? Again, circum-

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stances.

This is nto my evidence. This is what Judge Hastings did at the Fontainebleau.

Going to the dinner with Essie Thompson is not a crime but how does it fit into the overall picture, and I submit to you it is 100 percent clear.

The October 5th order. Why on that day? Jeff Miller's leaving November 1st. Jeff Miller has other work to do. Why on that day if not that it fits in totally with a set of circumstances that we presented to you?

The first working day after Rico called Borders on Friday, "Where is the order?" Judge Hastings marches into his chambers and says, "Do the order."

It's an interesting argument that the defense makes. First they argue that the whole world could have had access to the Romano order. People could have come in and out, the whole world knew about the Romano case except for Judge Hastings. Judge Hastings didn't know anything about the order until Jeffrey Miller presented it to him.

Does that make any sense to you at all?

The letters. We have gone over the letters ad nauseum. I just want to clear up one important point. We are not complaining to you Judge

Hastings didn't turn over X, Y or Z at the apprpriate time. We are telling you circumstances. We are telling you that on December 29, 1981, Judge Hastings was indicted with William Borders. We are telling you that six weeks later, the defense turned over a bunch of material in reciprocal discovery in anticipation of trial. We are telling you that the defense turned over bank records, travel records, court records from the Romano case, and we are also telling you in that reciprocal discovery there were no letters, and we're also telling you that it was immediately apparent from the second this case was indicted that whether or not there were legitimate bona fide letters was a crucial issue. That's what we're telling you.

But, of course, there's more than circumstantial evidence in this case. There's the direct evidence.

There's evidence of Judge Hastings' conduct at a crucial point. It is often said that you only see a man when he is fully exposed, off his guard. And we submit to you that he was fully exposed on October the 9th. Caught completely off guard. And you saw his conduct.

The evidence of October 9th centers around Hemphill Pride to some extent, and they do a

very interesting thing with Hempy Pride as well.

On the one hand, they call him the loyal friend, and when it is not convenient for them to receive his evidence, they brought in witnesses, former wives, to testify that Hempy Pride doesn't testify truthfully; Hempy Pride has a bad reputation.

But then when they want his testimony, when they want Hempy Pride to say there's no flight in this case, they are very, very willing to proffer it to you as the golden truth.

Well, Hempy Pride did testify in his view there was no flight.

He didn't know what went on in Baltimore Airport. He didn't even know Judge Hastings went to Baltimore. He didn't know anything about the phone booth shuffle.

I submit to you his best friend testified any way short of perjury, and that's why his testimony on those letter is so damaging. That's why his best friend's testimony that he knew of no letters and would have wanted no letters is so damaging to Judge Hastings.

This liar, Hemphill Pride, witnesses have testified to this, you heard argument, Hempy Pride is the person that all these letters were devoted to. This is the man Judge Hastings allegedly was so desperate to get back in the Bar.

When it's convenient, he lies. When it is not convenient, he's the greatest guy in the world.

I submit to you what's perfectly clear is, his best friend didn't want to testify in this case against him but testified to the truth.

JUDGE HASTINGS: Your Honor, I hate to object, but there's no--

THE COURT: Counsel may approach the Bench.

[Sidebar conference between the Court and counsel out of the hearing of the jury as follows:]

THE COURT: Would you read back the last statement?

[The portion of the record was read back by the reporter as above recorded.]

JUDGE HASTINGS: That plus that inflammatory comment with regard to short of perjury, Judge, that isn't here and I ask Mr. Weingarten not to do that.

THE COURT: I don't understand the objection.

JUDGE HASTINGS: Judge, Mr. Weingarten began by saying that Hemphill would testify to anything short of perjury. Then he comes back and he says--

What's that last statement, Mr. Derry?

[The portion of the record was read back by the reporter as above recorded.]

JUDGE HASTINGS: There's nothing here about he didn't want to testify, not one thing, your Honor.

THE COURT: This is perfectly appropriate argument.

JUDGE HASTINGS: Oh, Judge--

THE COURT: He testifies he is your best friend and he is here--

MR. WEINGARTEN: Ten people testified to that.

MS. WILLIAMS: Hempy testified to--

THE COURT: If there's an objection to that, it is overruled.

[Sidebar conference concluded and the following proceedings were had in open court:]

MR. WEINGARTEN: The calls from the L'Enfant Plaza Hotel obviously are an important issue. Three calls made, one to Katzen, one to Judge Hastings' mother and one to Patricia Williams.

I have no doubt Barbara Katzen was called some time that day. I suggest to you there's been no evidence in this case that when Judge Hastings calls his chambers he sometimes calls a clerk. That type of call would not show up on a hotel bill.

I also submit to you there's evidence in this case Judge Hastings made calls from Brenda Russell's Dress Shop.

I submit to you on cross examination--and you can check this transcript--Brenda Russell said she had no idea who Judge Hastings called and no idea what the content of that call was.

Now, was there a call from the hotel?

Were there calls from the hotel, I should say.

Hempy Pride's testimony was that he was with the Judge and saw no calls.

Shirley Pride, Hempy's former wife, testified there was at least a ten-minute period when Hempy Pride was with her. Shirley Pride is the same woman who testified that she went on the boat cruise that night and didn't even know that Bill Borders had been arrested.

Is it likely that Hempy Pride would have stayed with her during this crisis or would have been with Judge Hastings?

Better evidence are the toll records. Barbara Cruel testified that on occasion the hotel bill that you receive when you check out will not have your toll records on it. That happens. That's a common occurrence in life.

I submit to you it is not usual, it is not regular but that happens.

So whether or not the two alleged calls that Judge Hastings made appeared on the check-out bill, that's one thing.

I submit to you there's a whole different issue, a whole different kind of evidence, and that's the evidence offered by Mr. Blocker. That is a summa-

tion, a summary, a compilation of every call made, every long distance toll call made from that hotel on October the 9th.

It would spit back from the telephone company to the hotel, be received and recorded and check out on October the 9th, 1981, the same day Judge Hastings was there, and there is not a call on those records to Florida from Judge Hastings' room, not a call to Florida to the appropriate numbers at all on that day.

Barbara Cruel did not denegrate the quality of that evidence one bit and any suggestion from defense counsel that she did, I ask that you check her testimony precisely.

Barbara Curel testified about the bill that you receive when you check out, not about the information or the evidence that Mr. Blocker introduced in court here.

Two other points about October the 9th.

Which was the most convenient way for Judge Hastings to get home that night? Was it to take a $50 taxicab ride to Baltimore, fly into Fort Lauderdale and rent a car and go home and be home at 9:30 or was it to take a non-stop flight from Washington National Airport four miles from the L'Enfant Plaza

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where his car was and to land a little bit after 6:30 and drive on home?

I submit to you the answer is totally obvious. Any argument to the contrary belies common sense.

If Judge Hastings had taken the trouble to find out about the Eastern flight or was willing to go to National Airport on that day, he would have been home three hours before or two and a half hours before he ever hit Fort Lauderdale.

Did he go home? All that we tell you on that point, ladies and gentlemen, is his own testimony and the point of his returning was to see his mother. I'm sure Judge Hastings loves his mother greatly, and I'm sure Judge Hastings takes care of his mother. But by his own testimony, he was only home twenty or thirty minutes, and what did Agent John Simmons of the FBI say when he hit Judge Hastings' home, his mother said she hadn't seen him and didn't know where he was and hadn't heard from him.

His testimony was absolutely consistent with the objective evidence and it was only because Patricia Williams had been interviewed earlier that day were they able to find Judge Hastings on October the 9th.

Why was it that the FBI took so long to get Judge Hastings that night? The FBI didn't know that he had taken off for Florida. They were looking for him in Washington and came to the conclusion he well may have left.

Simmons was summoned when they arrived at that conclusion. It probably did take him too long to find Judge Hastings.

I have a secret to tell you. The FBI is not perfect. Sometimes they miss surveillances.

Sometimes things do slip by.

But the suggestion that there's something sinister about the prosecution of Judge Hastings is supported by no evidence at all.

There's been reference to the test on the letters, the ink test, and the suggestion, of course, is somehow the FBI doctored the evidence, somehow mistested so that the tests would be inconclusive.

If there was something sinister about this prosecution, why don't we simply come in and say, "Look at these tests. It conclusively proves that those letters are phony"?

JUDGE HASTINGS: Judge, may we approach the Bench?

THE COURT: Counsel may approach the Bench.

[Sidebar conference between the Court and counsel out of the hearing of the jury as follows:]

JUDGE HASTINGS: Your Honor, that's the exact same area you cautioned Mr. Weingarten about on yesterday.

I do not ask for a mistrial. I ask that he be admonished only to comment with regard to the evidence.

I have no responsibility here to prove anything, and that's all I ask. I do not request a mistrial.

THE COURT: I don't believe that--

MR. WEINGARTEN: First of all, I didn't make that discussion and, second of all, that's in direct response to the suggestion that there was some manipulations or funniness about the FBI test of those records.

MS. WILLIAMS: I didn't suggest that. Where did it come from? I didn't suggest that.

MR. WEINGARTEN: I think you did.

THE COURT: Are you leaving the subject now?

MR. WEINGARTEN: Yes.

THE COURT: All right. That will take it.

[Sidebar conference concluded and the following proceedings were had in open court:]

MR. WEINGARTEN: The point was made that Judge Hastings would have known what Romano looked like. The point was made that he would have known that Romano had permission to travel to California.

Those are the precise points of the

structure of the undercover operation, a point that was not for Judge Hastings to meet with Rico but the point was for Borders to meet with Rico and know they hadn't coordinated their plans perfectly but they coordinated them well enough so that Borders indeed believed that he was dealing with Frank Romano during the course of the investigation.

Some testimony about the security of the chambers. Testimony about the accessibility. People walking in and out. The staff talking to people.

What was stolen in this case? Who knew Bill Borders? There wasn't a piece of paper taken out of chambers and sold to Bill Borders. There's no evidence of that.

The only piece of paper generated in this case of any relevance is Jeffrey Miller on October 5th, he goes home, finishes the order, comes back the next day and that's it.

Who on the staff knew Bill Borders? The answer is obvious.

These charts somehow offered to prove something, I submit to you they are total red herrings. The first one, the Dredge conversation with Mr. Borders about a woman, obviously is a relationship between

Dredge and Borders.

There are toll records to that effect introduced by the defense. Obviously there's a prior association, a prior relationship, introductory chatter on that first chart, and that's all.

Check those other conversations when Mr. Borders is talking about "him" and "your friend." From the outset, they make reference to Romano's lawyer--

MS. WILLIAMS: Objection, your Honor. There is no evidence in this case to that effect.

MR. WEINGARTEN: The tapes speak for themselves, your Honor.

THE COURT: Well, in light of the objection, ladies and gentlemen, the Court will instruct you there is no evidence as to whom the "him" was referring to in these tapes, and it will be for you ladies and gentlemen to determine from all the evidence whom you might determine it might be.

MR. WEINGARTEN: May we approach the Bench?

THE COURT: Counsel may approach the Bench.

[Sidebar conference between the Court and counsel out of the hearing of the jury as follows:]

THE COURT: [Addressing spectators] There will be no conversation.

MR. WEINGARTEN: Your Honor, in the early conversations between Borders and--

THE COURT: [Again addressing spectators] There will be no conversations in the courtroom. It is disturbing counsel.

MR. WEINGARTEN: In the early conversations between Borders and Rico, there are frequent references to his attorneys, Romano's attorneys, and how they should be handled.

The references by Ms. Williams are obviously references to Romano's attorneys, and I think she is perfectly capable of making that argument.

THE COURT: You are entitled to argue that, but it would be the jury's recollection.

All right.

MS. WILLIAMS: You are going to let him argue that it's--

Just a moment, Mr. Weingarten.

THE COURT: Well, there is evidence from which the jury might conclude the reference to "him" was Romano's attorney--

MR. WEINGARTEN: Absolutely.

THE COURT: --or somebody else. It will

be for the jury to make that.

MR. WEINGARTEN: I think I'm entitled to argue it. Just the way she's entitled to argue there's some sinister motive behind it.

MS. WILLIAMS: Are we talking about Neil Sonnet who came in here and testified? What attorney are you talking about?

MR. RICHTER: Your Honor, that doesn't make any sense. The content of that discussion is, "You will hear from your friend when the order comes out." Obviously you'll hear from your lawyer when the order comes out.

THE COURT: Well, it's an inference the jury can draw.

MR. RICHTER: And I think he should be able to argue it.

THE COURT: It is proper to argue that. The objection is overruled.

[Sidebar conference concluded and the following proceedings were had in open court:]

MR. WEINGARTEN: Ladies and gentlemen, you saw, during the defense's argument, some charts for the first time. Apparently the inference was being asked of you, the "my man, your man and him," that there is something sinister.

I submit to you listen to the conversation between Borders and Rico and it is perfectly clear that Borders is discussing with Rico how they are going to handle Rico thanking Romano's attorney. Orders are to be issued by Judge Hastings. Somehow the attorney has to be clued in. Somehow the attorney will have to know and somehow the attorney will communicate to Rico believing to be Romano.

The underlying references here clearly refer to how the fact of the order, the issuance of the order will be communicated to Rico. That is all that is. The suggestion that there is something sinister is nothing but a red herring in this case. Can there be a suggestion that the thrust of Bill Borders' representations were not the fact that he could sell the sentences for $150,000 from Judge Hastings?

If there is, I'd like to hear it. You must realize that the Romano order was nothing but a signal. It was not the quid pro quo. That was not what was for sale. What was for sale was the mitigation

of the prison sentence. The Romano order was nothing but a signal that Judge Hastings was on board. Nothing more than that. And that fact had to be communicated to the client.

Orders are routinely issued through attorneys. That is the reference that is underlined in Miss Williams' demonstration.

There is an interesting image that is created in the defense argument, that is, Bill Borders leading Alcee Hastings by the nose, hotel to restaurant to hotel, coercing him into writing letters, tricking him into doing various things, scamming him in the most awful ways.

I submit to you I originally stated let your common sense by your guide. We know Judge Hastings from this trial. I doubt very much he has ever been led by his nose his entire life. I doubt very much he has ever been coerced into doing anything he wanted to do or ever tricked into anything. That is not Judge Hastings. That is not the Judge Hastings you see.

The notion of Bill Borders' manipulating, scheming and coercing is not consistent with the man in this courtroom.

They would have you believe simultaneous with Bill Borders' awful scam on Judge Hastings, he was

zealously and ernestly trying to help his other friend Hemphill Pride.

On the one hand he is doing this horrendous thing to Judge Hastings; on the other hand, he is working with Judge Hastings to help Hemphill Pride. Does that make any sense at all?

In closing argument Miss Williams attempted to cover up the Government's avidence. Not so easy to obscure the truth, not so easy to hide what really went on. One of the unique things about our society is that from time to time we call upon normal, every-day citizens for some very important public service.

Twelve of you have been called for such a service. You are about to decide a case of great importance. It is obviously a great importance to Alcee Hastings because of the consequences that could flow from your decision. It is of great consequence to the United States, for this society to be free, for this society to be fair, our federal courts must be free of corruption.

When you go back to deliberate, I ask you to be fair and just. Your task is neither pleasant nor easy. If you do it right you will give an incalculable service to your fellow man.

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I ask you to be courageous. Have the courage to firm up your spine and look at the evidence in this case full face and come to the right conclusions. I respectfully submit that if you do that, there will be but one conclusion in this case and but one verdict in this case and that verdict is guilty as charged.

Thank you.

THE COURT: The Court is allowing time for those who wish to leave before my charge, to leave, because when I start the charge, ladies and gentlemen, the courtroom door will be locked. I seem to be losing my audience.

(Laughter)

THE COURT: And now, Madam Forelady and ladies and gentlemen of the jury, you have heard and received all of the evidence to be presented to you in this case. The closing arguments of counsel have been completed and the time has come when you and I must begin our joint efforts, and my part in our collective endeavors will be to instruct you at this time as to the law which is applicable to the case that you have been hearing over the last several weeks.

Before doing so, I do wish to express on my behalf and I know you join with me, our appreciation of the competence and the courtesy and expedition

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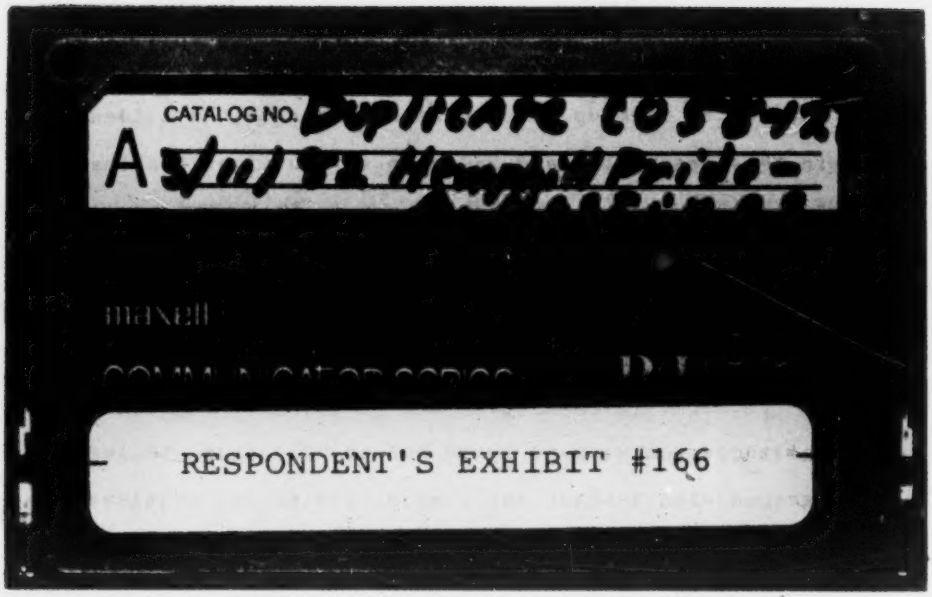
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A Yes, I did.

Q What did you learn?

MR. WEINGARTEN: Excuse me. I am going to object, and I would ask that we approach the Bench.

(Sidebar conference between the Court and counsel out of the hearing of the jury as follows:)

THE COURT: I am having difficulty hearing her. Who did she say Mr. Campbell was?

MR. WEINGARTEN: An Assistant United States Attorney in Washington, D.C.

THE COURT: Yes?

MR. WEINGARTEN: If this witness has a evidence to offer concerning direct knowledge of the activities of Mr. Borders, that's one thing, but I believe the line of inquiry that is about to follow is what either the FBI or an assistant United States attorney may have told her about why she was being interviewed.

That's not competent evidence. It couldn't possibly be admitted into this trial, and it's also, I think, it could be highly inflammable, highly embarrassing to someone.

THE COURT: To third persons?

MR. WEINGARTEN: A third person.

MS. WILLIAMS: Well, we have already discussed her not using the name. We have already discussed with her not using the name of any federal judge involved in what it is she has learned they were trying to investigate and embarrassment- as to any other name she might call is a matter of public record.

MR. WEINGARTEN: If this witness has evidence to offer that she has knowledge that Bill Borders pulled a scam on another federal judge, then let's hear it, but if you are relying on evidence that the law enforcement authorities may have told her something about why she was being subpoenaed, I think that's totally incompetent.

MS. WILLIAMS: She has knowledge that the Government was investigating Bill Borders for another scam involving a federal judge.

THE COURT: That's all she knows?

MS. WILLIAMS: She knows the specifics of it,yes.

THE COURT: She knows that the Government was investigating it?

MS. WILLIAMS: Her and Bill Borders in connection with a scam with a federal judge.

THE COURT: All right. How do you suggest that that is relevant, to establish that Bill Borders was guilty of another scam?

MS. WILLIAMS: He was not guilty. The investigation fell apart, Your Honor.

MR. WEINGARTEN: I can represent to the Court, and I represented to the Court before, that there was an investigation in Washington, D.C. involving another federal judge.

Bill Borders was the attorney of record for the client.

There had not been an indictment in this case. The case has been closed, and there is no indication in the investigative file whether or not there could have been a bribe or could have been a scam. There is not sufficient evidence, and if it requires a proffer in camera, I am pleased to provide it, but having this witness testify in open court about what a law enforcement official may have said to her about why she is being subpoenaed couldn't possibly come into this trial.

MS. WILLIAMS: No, no, no, Your Honor, this goes far beyond what a law enforcement officer said to her.

She was investigated in connection with Bill Borders in a scam that involved a federal judge. Her boyfriend was supposed to have been the person Bill Borders was effecting the scam on behalf of. That's what I want her to testify about.

There's adirect parallel to what is happening here.

THE COURT. But this is simply an investigation. If the Court understands, this witness can give no tesitmony that Mr. Borders was in fact guilty of that scam.

MS. WILLIAMS: Your Honor, are you saying that we have to find a scam where they found him guilty in order to show a parallel?

MR. WEINGARTEN: That he did it.

THE COURT: He did it.

Now, the Court has been given by the United States Attorney a copy of the grand jury transcript -- by Mr. Weingarten, I should say--it was in the Court's chambers this morning-- with the testimony that you have seen before the grand jury, I assume?

MS. WILLIAMS: No, Your Honor, we have had no access whatsoever to this information.

MR. WEINGARTEN: We have not provided

Stallworth - direct

THE COURT: Is there any reason she shouldn't read this?

MR. WEINGARTEN: I believe there is. I believe the grand jury record, unrelated to Judge Hastings and the investigative file in Washington, has not been made public for very obvious reasons.

MS. WILLIAMS: Your Honor, the scam that we are talking about was printed up in the newspapers in Washington, D.C.

THE COURT: Yes, as a charge, as an accusation.

MS. WILLIAMS: Well, Your Honor, that's as far as we are in this case. It is just a charge or accusation. He has not been found guilty at this point. They are perfectly parallel.

THE COURT: As the Court understands the proffer, it is that the evidence of Norma Stallworth is that she would testify that she was investigated by the FBI, was questioned by the FBI, concerning an allegation that--

MS. WILLIAMS: Made by an informant to the effect that she and Bill Borders--

THE COURT: Yes, go ahead.

MS. WILLIAMS: -- were fixing a case with

a federal judge on behalf of her boyfriend.

THE COURT: Dr. Marshall Nickerson.

MS. WILLIAMS: Dr. Marshall Nickerson.

THE COURT: And that is all she will testify to?

MS. WILLIAMS: That's it.

THE COURT: Do you still object?

MR. WEINGARTEN: Yes.

THE COURT: Objection sustained, and rather than have her testimony fully in court, which would involve public information which might harm other parties, the Court will accept and rule upon the basis of the proffer made.

MS. WILLIAMS: But, Your Honor, we want--

THE COURT: Now the Court is not aware that this grand jury transcript had been furnished to the Court for the Court's in camera examination.

MR. WEINGARTEN: Yes.

THE COURT: So there's no question whatsoever that this should be impounded and placed under seal?

MR. WEINGARTEN: Yes. I'm sorry I didn't make that clear before.

MS. WILLIAMS: Your Honor, just one

moment. The Court may sustain the objection because it so desires to sustain the objection, but we think we ought to be able to make our record of what this witness would have testified.

THE COURT: You have made a proffer. The Court has accepted the proffer and if you wish to make a record of the testimony, it will have to be done in camera someplace without offending the Press and news media which are present, and if you wish this witness to testify, we can recess, take our normal recess mid-afternoon, bring her into the Court's chambers, and the Court can hear the testimony on the record there, but this apparently implies allegations involving Dr. Marshall Nickerson who this Court does not know.

I don't know whether he is still--what his status is, and apparently some judge.

MR. WEINGARTEN: A federal judge in Washington, D.C., that's right.

MS. WILLIAMS: Your Honor, she will not name the federal judge and whatever she will say is public record.

THE COURT: If you wish to make a proffer on the record as to her -- live testimony as to